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A
TOPOGRAPHICAL AND POLITICAL
DESCRIPTION

OF THE
SPANISH PART

OF
SAINT-DOMINGO;

CONTAINING,

GENERAL OBSERVATIONS ON THE CLIMATE, POPULATION
AND PRODUCTIONS; ON THE CHARACTER AND MAN-
NERS OF THE INHABITANTS; WITH AN ACCOUNT OF
THE SEVERAL BRANCHES OF THE GOVERNMENT.

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TRANSLATED FROM THE FRENCH,
By WILLIAM COBBETT.

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DECLARATION

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DECLARATION

A

TOPOGRAPHICAL AND POLITICAL

DESCRIPTION

OF THE

SPANISH PART

OF THE

ISLAND OF SAINT-DOMINGO.

ALL the natural advantages of the Spanish part of Saint-Domingo have been laid before the reader in the first volume of this description. I could have added numberless other particulars, had I not feared to fatigue him, or to make him suspect that I doubted of his sagacity in supplying them himself.

But, notwithstanding the multiplicity of resources that the colony offers, the pride of the Spanish Americans, the pompous arms given to the island in 1508, being an escutcheon, gueules, with a band of silver, two dragons' heads, gold, as the guidon royal of Spain, and for orl, *Castille and Leon*; in short, notwithstanding the incredible value the Spaniards set on the possessions they have been able to retain in this immense

island, Spanish Saint-Domingo is in reality no more than a dead expence on the mother country.

Spain is obliged to send annually the sums necessary for the expences of the administration of the colony, which I am now to give an account of. I shall endeavour to unite here, all that is calculated to satisfy the curiosity which must naturally be excited by the first plan, the first system conceived in Europe for the direction of distant settlements, the natural state and situation of which required, in some sort, a new kind of government.

In general, the administration of the Spanish colony has for principles, those which the court of Spain has adopted for all its colonies in the New World, and this administration has preserved, with that of the mother country, as much analogy as local circumstances would permit of, which have never been yielded to except when imperious. We must, then, in studying the form of government of Saint-Domingo, acquire, at the same time, some knowledge of different parts of the organization of the Spanish monarchy, and of the government of the other colonies belonging to that power. We must also expect to meet, with respect to the colonies of other nations, resemblances which strike without astonishing; because Spain being the first possessor, and almost the exclusive one in America, other nations must necessarily have thought it wise to imitate more or less the only example they could possibly have, when, in their turn, they were about forming settlements in the same quarter of the globe.

The Spanish Indies (the name that nation gives to its colonies in America) having been by law declared an unalienable part of the Spanish monarchy, the king is the sovereign of these immense countries, and he exercises all the authority belonging to that title. He has the legislative power, the jurisdiction and royal patronage, the nomination to all places, employments, and offices, all the rights honorific and beneficial, which are an appendage of a full, entire, and absolute sovereignty, such as that enjoyed by the Spanish monarch. For, the pretended deputies of the eight kingdoms of which Spain is composed, can be looked upon as mere cyphers only. They reside constantly at Madrid, as the permanent committee, established by the *Cortes* in 1713. This committee is become more insignificant than the *Cortes* themselves, which an arbitrary system has rendered impotent and null, by not calling them together, and by giving the royal *pragmatick* the right of supplying their place. Besides, the Spanish Indies, having no representative, either in the *Cortes* or the deputies of the eight kingdoms; it is very correct to say that the will of the monarch, with respect to them, is entirely without check or counterpoise.

In the exercise of this unlimited power, the first agent of the king, is, *the royal and supreme council of the Indies*. This is the name of a tribunal created in 1524. It is composed of a chief, having the title of *Governor*, or *President*, which is still more eminent, since the king sometimes bestows the title of president

on him who is already governor. In the absence of this chief of the council he was commonly replaced by a Grand-Chancellor, but the post of this latter was suppressed, at the death of the seventh incumbent, in 1776. Besides these, the Council of the Indies has several counsellors, which were eight in number at the time of its creation, two attorneys-general, two secretaries, three reporters of the chamber of justice, four masters of the rolls, a treasurer-general, an historiographer, a cosmographer, a professor of mathematics, a taxer of costs, a counsellor and an attorney for the poor, a chaplain, four sergeants at arms or door-keepers, and a sheriff for the execution of its decrees.

This council, as ancient as the discovery of the New World, has, through a fatal self-love, ever had the same views, and its jurisdiction is certainly the most extensive and most potent of any tribunal in the whole world. It takes cognizance, exclusively, of all matters, by land, by sea, political, military, civil, and criminal, that in anywise relate to the Spanish Indies ; with a full authority over the vice-roys, presidents, courts of justice, houses of contractation, armies, fleets, and garrisons. It prepares all the laws for the Indies ; it proposes to the king the persons fit for the places and employments of vice-roys, presidents, governors, auditors, judges, *corregidores*, commandatories, having life - annuities on the revenue of the Indies. It presents also for the six archbishopricks, the thirty-two bishopricks, and for the places of dignitaries, canons,

and prebendaries. It hears appeals, as of abuses, from the ecclesiastical judges; of supplication against the judgments of the royal courts, in cases of notorious injustice; of refusal of justice, or when the object of the pursuit rises to a certain sum; it superintends the doctrine of the missionaries; in a word, there is nothing which relates to the administration of the colonies, which does not come under the cognizance of the Council of the Indies. Accordingly Valverde says, that even the Roman senate had not so extensive a jurisdiction.

This council, which has already had forty presidents, or governors, is divided into three chambers, two of which attend to the *administration*, and the other to affairs of *justice*. There is a *camara*, a sort of grand-chamber, composed of the most ancient counsellors, and it is this chamber that more immediately has the power of decision, particularly in matters of legislation. At the time of their admission, the counsellors (who are all chosen from among the presidents or ancient auditors of a chancery or an audience), swear to be faithful in the execution of their office, to observe the ordinances of the council, and to keep its deliberations secret. On matters of government, the opinions of the members are accompanied with the reasons on which they are founded, to guide the king in his determination. No decree of the council can pass, if there are less than three members present, and in case of a difference of opinion, the deliberation is postponed to another day.

The rule of the council, in the presentation for places in the Indies, is, to nominate three persons for each place, among whom the king may make his choice; to prefer such persons as have resided in those distant possessions, and not to recommend relations of members of the council nearer than the second canonical degree, exclusively. But there are some proofs of a departure from this last condition, and Spanish America has not long enough enjoyed, for its happiness, that which is given in the appointment of Don Bernard de Galvez, in his capacity of governor of Louisiana, and of vice-roy of Mexico, which he obtained, notwithstanding he was the nephew of Don Joseph de Galvez, whom we have seen president-governor of the council of the Indies, from 1775 to the day of his death, which happened in 1787. The council of the Indies is no more a strict observer of the obligation, not to suffer solicitors at court; without doubt, because it belongs to ministers of every worship, to attribute to themselves a portion of the homage it brings, and because authority has, we all know, the most constant worshippers.

Matters relating to the war department, requiring information of a particular nature, and with which civil administrators and lawyers cannot be familiar, there is a *junto*, or council of war, added to that of the Indies. In this assembly military counsellors vote in giving their reasons, which are preserved in writing. The council has also *contadors* who form a chamber, for the examination of all accounts of finance within its direction.

The archives of the council of the Indies would, with any people of a character different from that of the Spaniards, be extremely precious. Here must necessarily be found the most sure and authentic proof of all that has taken place with respect to the Spanish possessions in America, since the discovery of this quarter of the globe. They must contain such an useful collection of materials for history as no other deposit, perhaps, ever equalled. We have seen, however, that the council had an historiographer, he is even obliged annually to give a proof that this title is not in vain; but, convinced without doubt of the little utility that his labour could be of, he has no zeal for what excites but a trifling desire, or else, his work remains in obscurity, like every thing else concerning the administration of Spain. Besides, in what manner must a history be written under the inspection of the very persons, whose administration would be the first thing to examine? How could a writer be even a simple narrator of facts, when he has for censors, those whom the narration may blame or accuse? History ought to have for its companions, truth and liberty; it is by these alone that it can be distinguished from imposture or base adulation.

The archives of the council are under the safeguard of one of the counsellors, who receives what the two secretaries successively carry to him, between whom what concerns the different places of America is distributed, to render their labour equal.

Independent of the council of the Indies, there is in Spain, a minister of the Indies, who, of the same department as the council, is, however, subordinate to the latter. He even would seem to be only, in some sort, the agent of the council, except the king, judging it necessary to consult his six ministers, assembles them in a committee, because, then, the minister of the Indies may have, by his advice, some influence on the royal determinations; but, for some years past, the minister of the Indies, has been, at the same time, president of the council of the Indies.

There is also an high admiral of the Indies, a post of so much greater eminence as Christopher Columbus was the first that filled it, and as it belongs to his descendants; but this post, at present filled by Don Joseph Stuard Colomb of Portugal, of Toledo, and of Stolver, duke of Varagua, of Werwick, and of Liria, count of Ayala, marquis of Jamaica, the fifteenth admiral, has no function, since its authority has been added to that of the crown. It is nothing at present but a qualification that calls to remembrance one of the greatest of events, and that of a pecuniary allowance, in nowise proportioned to the importance that the place might have.

Besides the offices abovementioned, Spain has too a *Patriarch of the Indies*, the nineteenth titular of which is now existing. This title was created by Clement VII. in 1524, at the request of the emperor Charles V. This also is nothing but a title, the only

effect of which is an annual allowance to the person who wears it, and who is always chosen from among the most distinguished prelates of the kingdom, when it is not conferred on the grand almoner of Spain.

Having thus seen in whose hands the administrative authority of the Indies resides, in the mother country, let us now see how the Spanish colony of Saint-Domingo is managed and governed.

The principal and immediate chief of the royal authority in the colony, has the title of *Governor and Captain General, Superintendant of the Tribunal of the Crusade, and of the Public Treasure, and President of the Royal Court and Chancery of the Spanish Island.*

This title of president of a royal court is the most considerable in the Spanish Indies, after that of viceroy, and it does not yield the precedence to any other. They call a vice-roy him who fills a vice-royalty, and who is, in consequence of that eminent quality, always president of one or more courts-royal, while a president presides at one only, and a simple governor-general presides at none at all. There are only four viceroyalties in America; that of Mexico, that of the new kingdom of Grenada, and the two of Peru; the first at Lima, and the second established in 1777, at Buenos-Ayres; while the presidents are as numerous as the royal courts, not comprised in the four viceroyalties.

The title of governor, well enough known by its etymology, gives the chief of the colony the lead in affairs of government, as the title of captain general

gives him the lead in military affairs. This title is common to the governors of provinces in Spain ; but we must take care not to confound it with the military rank of the same name, which is equivalent to that of marshal of France.

For more than a century past the government of St-Domingo has been bestowed on military officers, only one of whom was of the navy ; I mean Don Joseph Solano, then a captain of a ship of the line. There is no particular rank marked out as a necessary qualification for this post, which has been sometimes filled by lieutenants of mestre-de-camp, and which has never been occupied by a person of higher rank than that of field-marshal. It has been frequently bestowed on officers of the king's guard.

The president has the exclusive power of ordering in whatever concerns military matters, and consequently names, *pro interim*, commandants and other officers, to fill up the vacancies that happen ; and all that relates to the defense of the colony, to peace and war, belongs solely to him. We must not forget here, that this power does not belong to him as president, but as captain-general.

There is generally a commandant of the arms, who has, under the president, the command in military affairs, and who replaces him in this branch of his authority, when he is out of the island, or when he dies. In either of these cases the civil government devolves on the royal-court. This latter can never interfere with what concerns the military, and if a

decision of the president or of the commandant of the arms, injure any one, he may apply for redress to the junta of war in the Council of the Indies. If the president is absent or deceased, and if there is no order from the king disposing of the post of commandant of the arms, the senior auditor exercises the powers of the captain-general.

The president is obliged to communicate annually to the Council of the Indies, a state of the members of the royal court, of the product of their places, and to mention those of these places which are vacant. Neither he, nor the royal court when it takes his place, can make any but temporary appointments, with the obligation of not choosing persons, who may be considered as devoted to the nominators, either by relation-ship or otherwise. The president must consult the royal court on the choice of persons appointed temporarily, without being obliged to follow the council given him; but if the royal court believe him to have made a bad choice, they may write on the subject to the Council of the Indies. When the senior auditor fills the place of president, he can only propose, and the court appoints by plurality of voices.

The president ought to receive the aid of the recorder of the chamber of the royal court, if he has not a clerk of the government, named by the king. Sometimes the clerk of the government is at the same time recorder of the chamber, as is the case at Santo-Domingo. This union of offices being liable to inspire, in the president and the court, distrust with respect

to the independence of their common clerk, the president has the authority to appoint one for secret purposes, and we shall see, in speaking of the royal court, that it may also employ one of the auditors in drawing up what it wishes to commit to writing, without having any other confident than its own members.

When the president writes to the king or to the Council of the Indies, he ought to do it in distinguishing the different subjects of the dispatches, which are written half-margin; notes in one column point out what is treated of in the other. He generally follows this order: *clergy, politics, finances, military*; and the necessary vouchers ought to accompany the dispatches. This is the form of the correspondence of all those who have to write to the king; that is to say, marginal notes, indicative of the contents, and the classing of the subjects in the above order.

The power of granting pardons or commutations of penalties, and even that of reprieves and suspensions of judgment, being a prerogative purely royal in the Spanish monarchy, the president cannot exercise it, unless in virtue of an express or special authority from the king.

To the president belongs the ordering of all relating to the good government and police of the towns. He may prescribe to the auditors, to the attorney-general, to the alcades, and to the ministerial officers of justice, to do any thing in the discharge of his office as president; but he must avoid employing the auditors as

commissaries, except in particular cases; when it would be unsafe to trust the execution to any one else.

He may, when he judges it conducive to the public good, form, at his own house, assemblies or conferences, to which he admits those persons in whom he has most confidence. Another prerogative of his place is to appoint as assistant, in government matters, one of the auditors, and it is very rare that he does not make use of this mean of obtaining new information, and in deciding on the cognizance of cause.

The president is in nowise amenable to justice in the royal court in criminal matters, and consequently he is still less so to the other tribunals of the island. The quality of immediate representative of the king, at a great distance, the absolute necessity of a every active authority, the inconvenience of depriving it of the consideration given it by the public opinion, all prescribe this sort of inviolability, which is not, however, quite absolute, as we shall see further on.

The royal court do not, however, look upon it that this pre-eminence of the president requires of them to go into mourning at his death or that of his wife. The court ought even to hinder any monument being erected to the memory of a president; because this right belongs exclusively to the royal family.

The president can possess nothing in the extent of his government, carry on no commerce, nor even possess more than four slaves. This prohibition extends to his wife, his children, his secretaries, and to all those who are in any degree his retainers. It is easy

to perceive that this is accompanied with a prohibition against marrying in the extent of the government, and against suffering his children to do so. His place is reputed vacant the moment this law is violated, even if it be done indirectly only.

The president must conform himself to the orders given to his predecessors, as if they had been given to himself, since the government is independent of the mutability of those to whom it is intrusted. If it happens that a case absolutely new presents itself and the president is obliged to decide according to his own judgement, he must give an account to the Council of the Indies of what he has done, and of the motives by which he has been actuated.

He must take care to send to the Council of the Indies whatever may be useful as materials of history relative to the Spanish colonies.

He is also required to address to this council, all the notes and necessary papers, concerning such inhabitants of the island as are worthy, from their behaviour or services, of being taken advantageous notice of.

All belonging to the place of president is far from being comprehended in what I have here given an account of; but there are some particulars, which not being relative to him alone, will find a place more naturally further on. It is thus, to comprehend another branch of his power, we must consider him as president of the royal court, and consequently we must speak of the latter, since it is the depository of great authority.

In

In 1509 the king established the royal court and chancery of Santo-Domingo, composed of a president, who is at the same time governor and captain-general, four auditors (oydors), who are also criminal judges (alcades del crimen), an attorney general, an alguazil-major, a delegate from the Grand-Chancellor of Spain, and other officers and ministers necessary in the administration of justice.

At this time, the extent of territory of the royal court was nothing short of that of all the Spanish conquest; but it was restrained on the 14th of Sept. 1526, to the Spanish Antilles, the government of Venezuela, New-Andalousie, Rio de la Hache, dependant on the government of St. Martha, and to what then depended on the government of Guyana, or province of Eldorado. Thus the eastern boundary of the royal court, was the extremity of the Spanish possessions in the Antilles; to the south, the four courts of the kingdom of Grenada, Terra Firma, Guatimala and New-Spain; to the west and south, the coasts on the borders of the gulph of Mexico. The limits of the court of Santo-Domingo were thus narrowed, on account of the establishment of the court of Mexico, in 1527, to counteract the immense power of Cortez, as that of Santo-Domingo had been to check that of admiral Diego, son of Columbus.

The court of St. Domingo has since lost what it had to the west of the river la Hache, and I have said in the description of the city of Santo-Domingo, that it has recently had taken from it what now forms

the court of Caraca; so that it has no jurisdiction on the Terrâ Firma.

Though the royal court has preserved a vast territory, by the mean of the islands of Porto-Rico, Saint-Domingo and Cuba, this territory ought not however, to be looked upon as the measure of the power of its chief, unless it be simply as president; since his prerogatives and power, as governor and captain-general, are confined to the limits of the Spanish colony of St. Domingo. Cuba and Porto-Rico have each a governor, absolutely independent of that of Saint-Domingo, in every thing concernig the government and the military.

The cognizance of what I have mentioned as appertaining to the governor, captain-general, is expressly withheld from the Royal court, who ought to meddle with nothing but the administration of justice, such as allotted to them; unless the absence of the president, out of the island, or his death, puts the civil administration of the colony into their hands.

On the other side, the president cannot, under any pretext whatever, take cognizance of any thing belonging to civil decisions. If he were to assist at the trial of a cause, the sitting would be for him purely honorific; but his title of president is not less real, as we shall have occasion to see. He must, however, and this is one of his principal duties, see that justice is done to every one, and procure, if necessary, the perfect execution of the sentences of the divers tribunals.

The competence of the royal court, which gives judgement in the name of the king, consists in the cognizance of appeals from the decisions of ordinary judges, of the magistrates of cities or municipalities, even from those of the president, if given on a judiciary object, and one of the parties thinks himself injured. If the president, in a matter specially attributed to himself, were to exceed his powers, the court is authorized to make representations to him; but if he still persist, unless in case of imminent danger from the measures he has taken, the court must content itself with informing the king, with all the delicacy possible, and especially to guard against making the affair public. If the competence of the president be matter of doubt only, the court must defer its decision and sign along with him what has been decided on in conference, reserving to itself the right of writing to the king afterwards, with this particularity, that if there have been many opinions, all the persons of one opinion write separately from those of another opinion, and each give their reasons.

The royal court may give letters of delay, not for all the debts of a debtor, but for some, with this obligation, that it be previously proved, that he is unable to pay at the time, and that bail be found for payment at the end of six months.

The president may take secret information against the auditors, in sending such information sealed to the Council of the Indies; but he has no right to touch their persons. With respect to the court, it can take no

information, even secret, against the president, unless in virtue of an order of the king, though they may write freely to the Council of the Indies, touching their chief. But with regard to objects of whatever nature, the court may send memoirs to the king, without being obliged to communicate them to the president, to whom they would be sent by the Council of the Indies, if they found it necessary to give him an account of the business. To support these memoirs the court may confine itself to the fact, ordering it to be proved, and the president neither ought nor can oppose it.

In case the court should wish to take cognizance of a thing which the president thinks beyond its competence, he must produce the royal schedules on which his opinion is founded, and even if this communication appears to him either superfluous or attended with inconveniencies, his express declaration ought to suffice to put a stop to the proceedings of the court.

When the president dies, or is absent from the island, the dean of the auditors takes on him all the powers of civil governor, and the court must then send monthly, an account of all that passes in the administration, to the Council of the Indies.

At all times, one of the principal duties of the court, is to protect the inferior tribunals and all the judges of the first degree. It cannot itself be a first degree of jurisdiction, except in cases expressly provided for by the laws of Castille. In consequence of

the same principle, it cannot pronounce on the principal, but on the demand of a party, and after having declared that it finds the matter therein disposed of.

If the opinions on a cause are equally divided, the attorney-general is called, provided his function is not interested, if so they have recourse to the councillors ; but the choice of these substitutes of the auditors belongs to the president. The difficulty is explained to those who are called in, and after having sworn to keep the deliberation secret, they vote last, that the opinions given by the judges may still tend to place the matter in a clear light before them.

The contestations relative to nobility and to the rights which it gives, can never be laid before the court, which ought to refer them to the court of Castille : the same may be said of the legitimating which depends on the king only.

The court takes cognizance of appeals as of abuse in ecclesiastical matters, in conforming itself to the laws of Castille made on this subject, and declares only, whether there is any abuse or not, being extremely prompt in such affairs. But it ought not determine on pronouncing pecuniary penalties or seizure of temporalities of the ecclesiastics, except in the cases where they show an obstinacy in refusing to obey the decisions of justice.

In what belongs to its own discipline and interior administration, the royal court is obliged to follow the customs of the chanceries of Castille, without other vacancies in its sittings than those of solemn days.

The place where it assembles, and which, for that reason takes the name of court-house, is also marked out by law as the place of residence of the president, the depository of the royal seal and of the archives, the printing office and the prison.

Every day, holidays excepted, are days of reports or pleading in the royal court. On the former, the court is assembled for three hours, and hears the reports of suits and the reading of requests. The days of audience it gives an hour more for the pleadings and for lectures, by the auditors themselves, of the drafts of the decisions already given.

The sittings open at seven o'clock, during the six months when the days are longest, and at eight during the other months.

The afternoons of mondays and thursdays are allotted to the deliberations of the body of the court, on all questions touching its functions. The president is obliged to attend, and the other members, who are hindered from attending by sufficient cause, are required to make their excuses to the president, which ought to be done also in all the other branches of their functions; for, absence, without sufficient cause, from the service of the audience and reports, takes from the auditors half the benefit of the day. An annual certificate of the clerk ought to be given, proving to the Council of the Indies, that the court has fulfilled its obligations towards the public.

It is in an assembly of the court that the president opens the dispatches of the king or others, addressed collectively to the president and the court.

The causes submitted to the decision of the court, form two lists: one composed of ordinary causes, the other of such as are delayed or referred for some reason: these two lists are exposed in each chamber of the court; and the order of trial is that of the lists, conformably to the priority of conclusion, that is to say, of their being in a state of receiving sentence; and in order the better to ascertain this priority, the clerk to whom each suit has been committed, certifies under his own hand, the day of its conclusion. There is no exception to this rule of equity, except in favour of certain causes where the poor are concerned, or those of the treasure. There is every week a sitting particularly allotted to the appeals of police, another to those of vacant successions, and a third to the affairs of the poor.

The sentences or decisions are signed by all the judges, though the majority only have given their voice in favour of them, and even, to avoid the denials in important causes susceptible of producing an application to the Council of the Indies, the junior auditor must, in these causes, write on a register, which remains secret in the hands of the president, the voice of each one, in a manner purely indicative and without particulars.

The court has a particular register for the deliberations relative to matters of government; another for the dispatches on the same matters and on the different objects of its competence, dispatches of which it is obliged to send annually to the Council

of the Indies a copy certified by its clerk. A register for the deliberations with respect to the public treasure ; one containing the letters to the king, written by the clerk, and one of those which it judges necessary to have drawn up by an auditor ; one where an account is kept of the services rendered by the different citizens, so that the copy which is sent to the Council of the Indies, may serve to make them known and to cause to be distinguished those men who are useful in different ways ; one where are entered the result of the *residences*, and a summary of which must be delivered to the president, to enable him to make his choices with propriety ; finally, a register containing the name of all those who come from Spain to occupy places in the colony,

The auditors of the court vote in the inverse order of their reception. When one of them is challenged, he answers to the reasons alledged, and if they are admitted, he cannot remain present on the trial ; if the challenge is rejected, he who made it pays about fifty five dollars fine.

While there remains a single auditor the royal court is looked on as existing, and I know of no law which points out what ought to be observed in the case, very extraordinary without doubt, of all the four being dead or absent.

When the senior auditor fills the office of president, he does all that the president had a right to do ; but in cases of the particular attributes belonging to the president, all the auditors united deliberate in common, and the senior alone does not decide.

When the court judges it proper to dispatch some one charged with a commission on its account, the choice of the person sent belongs to the president.

The royal court can dispose, for its own expences, only of the produce of fines (*penas de camara*), or of the funds appropriated to judiciary expences. In case of insufficiency, it must apply to the president, who, if he thinks it necessary, gives orders for furnishing funds from the public treasury, in conforming himself to the rigour of his instructions on this point.

The court is obliged to wear mourning for persons of the royal family, and this expence is taken from the expences of justice.

At the first court in each year, the ordinances touching the duties of its members ought to be read. The court makes out a list of the expences of justice, or fees, and communicates it to the Council of the Indies.

Now, in examining what concerns the auditors more particularly, we shall again find some particulars relative to the president and to the royal court.

The senior auditor, though called to supply the place of the president, owes the same services as the others, and must carry the wand like them. This wand is white and very slender and bending, and is the mark of the officers of justice, who always carry it while in the exercise of their functions. At the extremity of this wand is a little cross cut in the wood, on which the officer receives the oaths. This wand inspires a respect, to which the Spaniards are accus-

tured from their infancy ; the sight of it is sufficient to obtain the aid of all those whom the officer chooses to call on, and he who should dare to resist it would be guilty of rebellion. The wand, when carried by an auditor, signifies that he is a judge of civil and criminal causes, different from the auditors of the courts, where there are alcades for the criminal only.

The eldest auditor is specially charged with the recovery of the executions delivered by the Council of the Indies, and he retains three *per cent*, on the amount of that he recovers.

The court can receive no demand made, in civil matters, by the president, the auditors and the attorney-general, on any thing relating to themselves, their wives, children, or brothers. This demand must be carried before the ordinary alcades, and by appeal to Council of the Indies, if the cause relates to any thing of a thousand crowns in value. However, if the adverse party does not distrust the influence against which this law provides, the appeal may be carried before the court. With the same confidence, the plaintiff may apply to the royal court for the first degree of jurisdiction, though his adversary be a member of that tribunal.

But, in case of a criminal charge against the auditors or the attorney-general, the president and the ordinary alcades are the judges. If an auditor is called on as a witness, he cannot make his deposition unless as the court may judge proper, lest the facility of converting the judges into witnesses might put it in the

power of parties to take those from the bench whose integrity they most fear.

The president annually names an auditor who is charged with the superintendence of the public officers, with the reception of complaints against them as to matters not meriting a formal pursuit, and with their punishment.

The auditors are, in their turn, subject to fines for their absence without sufficient cause, or for other failures of that sort; but these fines the law recommends to be made use of but sparingly, for fear that their frequent repetition should derogate from the respect due to the character of judge; a person appointed by the president keeps an account of these pecuniary penalties, that the sums may be deducted at each quarterly payment.

One of the objects which the legislature seems ever to have had in view, is to guard the magistrates against every sort of corruption or seduction. The first and principal mean, with respect to the auditors, who hold the first rank as magistrates in the colony, is the care that is taken to name them temporarily only, and to make them pass from one court to another. Besides this, the president, the auditors and the attorney-general, cannot be fathers in marriage or godfathers to any one under their jurisdiction, nor these to them, but only one with respect to the other or with those of their relations, which are of that rank which renders it impossible for them to be their judges. The president, the auditors and the attorney-general must visit

no one, must go, whether in a body or singly, to no espousal, wedding or interment, except in extraordinary or obligatory cases.

The auditors must not live with the barristers, reporters, secretaries or clerks, nor suffer these to visit them. If they fail to observe these duties, after having been twice reminded of them by the president or by their associates, they are subject to a fine of the amount of the income of a day. They must be equally careful that those who have suits pending do not keep company with themselves or their wives.

The auditors can carry on no trade or commerce, possess neither habitations, land, or gardens, on pain of the loss of their places and a fine of two thousand ducats, two thirds of which goes to the revenue and the rest to the informer. Neither can they make any acquisition, put out money, or execute powers of attorney, and their wives and such of their children, as are under their direction and power are subjected to the same prohibition. This rigour is sufficient to prove that they would be highly culpable if they were to accept of presents, since the president and the auditors ought even to avoid living on a familiar footing with any one not of their own family. The president is specially ordered to see that the wives of the auditors, and other officers of justice do not form connections with other women of the place they inhabit. The auditors can be neither councillors or arbitrators, and with regard to their marriage and that of their children, the rules relative to the president is

common to them, and the Council of the Indies ought to be informed of every infraction of them.

The auditors wear, as I have already said, a long robe like the counsellors of Spain, and they have a right to decorate their horse with a huosing, when they ride.

Like all other public agents, they can possess but one post at a time, and cannot absent themselves from the island without permission from the king, which is common to all the members of the royal court.

The auditors may be cited to receive a reprimand, but this must be in secret. If it is for some trifle, the senior auditor is ordered to take verbal information, in place of doing it in writing.

There being no criminal alcades in the royal court of Santo-Domingo, every auditor, indiscriminately, is obliged to hold, for three months, what is called *the provincial audience*, on tuesdays, thursdays and saturdays, in the evening; that is to say, take cognizance, in the first instance, of the civil causes, arising in the extent of five leagues from the city, under the appeal to the royal court, at the time of the decision of which the auditor who first gave judgement cannot be present.

I should here have much to add concerning the auditors, but this will naturally enter when I come to consider them in the functions essential to the court, in what they possess and are bound to in common with other officers, and I wish to avoid repetition and confusion.

The fiscal is the king's officer and a sort of attorney-general in the sovereign court of France. His robe

is like that of the auditors, and like them enters the peal where are the judges of the royal court on days of audience, and, though he has no voice in the decisions of the tribunal, he may assist at his sitting, if he thinks proper; because it is his duty, only when the interest of the fiscal are agitated. The president is obliged to inform him when there is an extraordinary court to be held.

The principal duty of this agent of public ministry, is to maintain the royal prerogative, and to watch over the execution of the law and the punishment of offences. On this account he ought to speak and act always when such objects are in question, and consequently he has the right to take, when he thinks proper, cognizance of what is written by the king to the royal court, of all the acts and instruments in the archives. He may inform the king of whatever he judges necessary, and if he has, in such case, need of proofs by examination, the royal court prescribes them. As the exercise of his functions is of very high importance, and has he could not attend to the defence of private interests without sacrificing the time necessary to the defence of the general interests, he cannot act as a counsellor or arbitrator, and even to absent himself he must have the permission of the president. From the moment that he is hindered from executing his functions by any cause whatever the exercise of them devolves on the junior auditor, unless the auditors are in so small number, that the president finds it preferable to appoint a counsellor

to supply his place, which may also be done by the court, when it replaces the president.

When the president judges causes of government, the attorney-general must be present. He is a party in all the tribunals in whatever relates to the treasure and other matters, and for this reason he has substitutes or solicitors. All the causes of police ought to be examined by him or his substitutes; he assists at the sales made for the profit of the treasure, and he takes the lead of all the fiscal agents. He, with the officers of domains or royal treasury, visits the ships on their arrival and on their departure, to watch over the execution of the laws of contraband, and to prosecute in case of contravention. He opposes the acquittal of the ordinances of the president at the treasury, if they are not conformable to the orders and instructions of the king; he annually renders an account, to the Council of the Indies, of the deliberations in fiscal matters, and sends to it a statement of the causes in which the fiscal is interested.

The prohibitions imposed on the president and auditors with respect to marriage and acquisitions, in the relations of their magisterial life, are not enough for him; he must, besides, watch over the adherence to these rules in the other ministers of justice, and guard himself against reprimandes, to which he is subject in the same manner as the auditors. He is ordered to hinder the temporary officers, named by the president, from prolonging their functions beyond the term fixed on.

In proportion as the ministry of this officer is formidable, he ought to be cautious in exercising it; he ought not, then, accuse without having an informant to support his accusation, unless in case expressly marked out by the law, or of public notorety, and this which undoubtedly reposes on his wisdom, dispenses in such cases with his giving security to answer for the calumny or cost, a security to which the informer is subject. The attorney-general may challenge a judge of the court, but he is obliged, like a simple individual, to prove the grounds of his challenge.

He annually renders an account to the Council of the Indies, of things of importance touching the public order, after having conferred on the subject with the president and the royal court; and if they are not of his opinion, it is not less lawful for him to submit it to the council.

If it should be found necessary for him to have a substitute in the royal court, the latter would have the right of naming him and of fixing his salary.

In speaking of other parts of the administration and other public officers, other particulars will appear regarding the attorney-general; but which I cannot introduce here, without running the risk of a repetition hereafter.

We have seen that the royal court had, at its creation, an alguazil-major, who is properly speaking, a sort of high sheriff. He has the same rank and prerogatives as the alguazil-majors of Valadolid and Grenada. He sits at the audiences and follows the

attorney-general in the ceremonies. He executes the orders of the court, and the ordinances of police in the place of its residence. Before he enters on his functions, he must swear before the auditors, and this formality is equally required of the lieutenants which he has the choice of, provided that he does not take them from among the retainers of the president or auditors, and that he can affirm, like the lieutenants, that his choice is not the effect of a bargain between them.

He also chooses the keepers of the prisons of the court (*alcades de las carceles*), and presents them to the tribunal for examination. At the executions there must be a lieutenant of the *alguazil-major* present, unless, in very particular cases, the court should order him to attend himself. When an auditor or other person is sent as commissary of the court, the *alguazil-major* may insist on accompanying him, if the audience do not decide otherwise; but he has no greater retribution than every other *alguazil*, and in his absence the court appoints one in his place who has all his rights.

If the royal officers or those of the domains take an *alguazil* to visit vessels, it is the *alguazil-major* who accompanies them. Both he and his substitutes are obliged to attend the sittings of the court, on pain of a fine, applied to the relief of poor prisoners, and to escort the auditors when they go in a body. They must also patrol during the night for the public tranquillity, or answer for the damage which their

negligence may occasion. Another of their duties is to visit public places, to prevent disorder.

The alguazil-major and his lieutenants may arrest any one taken in the fact; if by day, they conduct the offenders before the court; or they put them in prison, and give information to the court the next morning. An exactitude to arrest in virtue of the mandates of justice, is also an obligation that must be scrupulously fulfilled, and for the better maintenance of the police, the alguazil-major ought, the saturday of every week, render an exact account of what he has done. Finally, this officer ought never to forget, that he is comprehended among the persons prohibited to buy or contract, that he may be independent, and impartial in the exercise of his functions, which may have great influence on the public tranquillity.

Each court having a chancery belonging to it, the seals are there deposited. In all states this sign of sovereignty obtains the highest marks of respect, because it gives the public sanction to different acts. and, accordingly, when new seals are sent, the court itself is obliged to go in a body to receive them at the landing place. They are placed on a horse richly caparisoned. The president walks on the right, the dean of the auditors on the left, and all is done with as much solemnity and respect as if the king himself were intering. The seals are carried to the court-house, where they are placed on a spot, at once safe and respectable. The seal is applied to the acts, in paper and on coloured wax. Every thing issued by the court it ought to be sealed.

It belongs to the Grand-Chancellor of the Indies, that is to say, to the chief of the Council of the Indies, to which office this place has been added, to name a substitute for himself to the royal court of Santo-Domingo; and as the title of chief of the register was joined to that of Grand-Chancellor, the substitute is also charged with that branch. The fees of the seal and registering are fixed at the triple of those of Valladolid and Grenada.

This substitute takes his place in the court at the head of the bench of the councillors. He has also the particular care of a chamber, where there are two bureaux, one of which contains the suits closed by the court, with a label on each suit, and the other all the acts, the pragmatics and the schedules, establishing the rights and prerogatives of the royal court.

In the courts there are persons specially charged with the duty of making the report of the suits, whether in civil or criminal matters. These reporters are named by the president of the Council of the Indies. They must be graduates, and must take, before they enter on their functions in the court, an oath to conform themselves to the laws and rules of that tribunal. If they fail to attend at the sittings at the time they ought to make their reports, they are fined. In the interlocutories these reports are verbal, and in other cases, in writing, unless the suit be for less than a hundred dollars. The report ought to contain the principal points of each suit, the proofs, the substance of the writings and observations on the

procedure, to determine whether it is regular or not. In criminal matters, however, the auditors themselves read the depositions. The report or *relation*, to make use of the Spanish word, must be signed and certified by the reporter, who reads it to the counsel of the parties, and the attorneys, who are obliged to attend the summons given for this lecture, under the penalty of a fine. The parties pay, in equal portions, the costs of the report, and the reporters obtain executions to compel such payment.

The reporter ought, besides, to make out an explanatory memorial of the cause for the judges, when the parties request it, and his signature guarantees its veracity. He cites and numbers the different articles, and if he omits an important fact he is mulcted in ten dollars fine, or in a fine fixed by the president if the omission is trifling. The reporters cannot change with each other the suits distributed among them; they must conform themselves to the fixed rates; sign their receipts, lodge near the courthouse, avoid living with the judges, be paid their fixed salaries out of the costs of justice, and conform themselves to the prohibition, already often mentioned, against contracting and acquiring.

The clerk of the chamber (*escrivano de camara*) occupies a place, the produce of which is farmed, but he is submitted to an examination of capacity. He is obliged to attend at the sittings of the court, half an hour before they begin, to receive the requests. It is his duty to cause the suits to be distributed, and

to inform the attorney-general of those in which his office requires him to interest himself, and to whom he ought even to send them. Through him the reporters ought to receive the suits three days after they are definitively concluded. When an auditor charged with a commission, prescribes a proof, it is his duty to receive it. The sentences ought to be written in his hand, and on the very day of passing them, he must notify them to the parties, which takes place also towards the attorney-general, when he is a party, if he has not been present at the decision. He must keep a register of the fines laid by the royal court, and deliver an abstract of them to the collector, each week. He makes the communication of the writings without displacing them, and can return no one without the seal of the court. His fees are fixed by a tarif, and he gives a receipt of them.

Before I speak of the other officers of the royal court, comprehended under the denomination of ministerial officers (*ministros*), I must say something of the legislation of the clergy and other tribunals, which may be considered as parts of the religious, judiciary, or financial administration.

There is in Spain a code of laws of the Indies, under the title of *Collection of the laws of the kingdoms of the Indies*. The publication of them was provided for by law in 1681, and in them is found all that is prescribed, for these distant countries, which has not been abrogated. Whatever is contained in this col-

lection has the force of a law. A second edition of it was printed in 1756, (*) and I am informed, that at this time a third is under hand. One cannot help observing on this subject, the difference between the characters of the Spaniards and the French, since there is not one of the colonies of the latter which has not a voluminous code of its own.

One of the rules prescribed for the Indies, is to conform to the laws of Castille, in all cases where those of the Indies are mute; and it is well known, that in Spain, when the laws of Castille are silent, the roman laws are consulted, and that in ecclesiastical matters, the canon law is the rule that is invariably followed.

The laws emanate immediately from the monarch, and prescribe to look on as nul all such as are determined on upon erroneous reasons, or from a misrepresentation of real facts. They ought besides, to remain unexecuted, if not legalized by the seal of the Council of the Indies. When the law is essentially bad, it must, however, be executed, with the reserve of the representations of the royal court and those who are enabled to carry truth to the foot of the throne, unless the bad effect of the law would be irreparable and of scandalous consequence.

The laws for the Indies are signed by the king, and when the Council of the Indies proposes to him to make or abrogate these laws, it must be by a plurality

(*) In four Volumes, small folio.

of two thirds of the voices. But from a custom not exempt from dangers, independently of these laws, there are besides royal schedules, provisions and even simple dispatches, which, under pretence of maintaining and explaining the law may weaken or change it. It can never be dissembled, that the permanence of the Council of the Indies, and even its pride, is a check against innovations, and the stability of places in the mother country is another, against the fluctuation and destruction of principles.

The schedules relative to the finances, ought to be deposited in the royal courts, those for the public treasure in a particular register, and all those addressed to the president, as chief of the court, make also a part of its deposits. I shall observe here, that the law orders, that the sending of a law to some one, cannot be conceived as attributing to him the cognizance of what it prescribes or forbids.

The municipal corps have sent them, at their expence, copies of the general laws, and also of the regulations of the royal court, when they concern them. With respect to the regulations that these municipal bodies make for their local government, their execution may be authorised for two years by the royal court, who sends them to the Council of the Indies. If it is the president who approves of them, they have a provisionary execution till the court has examined them. But in this examination, as in that of every local regulation, the spirit of the laws of Spain must be adhered to as nearly as possible.

If a council other than that of the Indies, writes to the government or the court, the dispatch must be sent to the Council of the Indies.

The laws of the Indies bear all the marks of the profound respect which the Spaniards have for their religion, and I shall not fail to give the reader several proofs of this, in speaking of the clergy.

In all the Indies the patronage belongs exclusively to the king. The president exercises it, and he names a person to assist even at the examination of the doctrine, during the vacancy of the episcopal chair. The attorney-general also must attend to matters of patronage.

Ecclesiastical immunities are specially recommended in the Indies, where the seamen may, however, be taken from the churches and convents, and sent to Spain.

The archbishop, before he takes possession of his see, must take an oath, before a secretary or notary, to acknowledge the royal jurisdiction and patronage and the rights reserved to the king. If he does not exhibit a proof of having done this, the government ought to oppose his reception. The archbishop is obliged to reside in his see, which rule is general for all public officers in Spain, and he cannot return to the kingdom, without the king's permission. With respect to his jurisdiction, the royal court ought to oppose all encroachments that he might attempt, but this court is equally charged to aid the authority and respect to the dignity of the prelate.

The revenue of the vacant benefices and the property of the deceased prelates belong to the king, in virtue of a concordate made with the holy see, which can exercise no immediate authority in the colonies, since no brief nor bull can be there received and published, if not accompanied with the sanction of the Council of the Indies; and the ambassador of Spain at Rome, ought even to see that none are there delivered without the consent of the council.

Every twelve years, at least, there ought to be held provincial councils, at which the president assists on the part of the king, and a synod council every year, an obligation that the president must take care to see fulfilled. Before the result of the former can be published, it must be submitted to the Council of the Indies, and with respect to the second, it is sufficient for it to be sent to the president and royal court, who, if they disapprove, send it to the Council of the Indies.

The archbishop has an ordinary, and the rights belonging to this dignity in the chapter. He must attend to the absence of the prebends, and here the president also has an active power; for the whole chapter are obliged to observe the regulation of residence. The capitulatory formalities, the dress of the archbishop, of the canons, dignitaries, the decoration of the altars, the ritual, all must take for model the cathedral of Seville, on which we must recollect Santo-Domingo depended, before it became an archbishoprick.

When the see is vacant, the attention of the president becomes more necessary, and his influence is at all times such, that, with his sanction, the archbishop may dismiss an ecclesiastic of irregular life. If even it should be a preacher, where zeal should so carry him away, as to leave no hope of restraining him within the bounds of discretion, by the means of admonition, the president might send him to Spain.

As the king defrays all the expences of divine service, the tithes belong to him, in consequence of a concession of the pope. They should to be collected on the articles and in the proportion following; for it is easy to perceive by the enumeration of the articles alone, that there are many of them not produced in the Spanish colony, at least now, and that some of them have never been produced there.

On wheat, rye, barley, millet, indian-corn, oats, pease, lentils, french-beans, vetches, and all other grain, garden vegetables and seeds, one measure out of ten; and of things not measurable, a tenth is taken as near as possible, without defalcation, either for feed, rent, or any other expences whatever. The same is observed with respect to rice and cocoa, when in a state fit for sale.

On kids, lambs, sucking pigs, chicken, goslings, ducklings, young pigeons, though for home consumption, the tenth, by the head; which takes place also with respect to calves, horse and mare colts, mules and asses, old enough to be shod, and as to pigs and fowl, they are taken at the age, when they can live

without the old ones. As a half is due on every five, the tithingman takes one and pays for the other half, under estimation, if necessary.

The tenth of all milk fold is taken, of hog's lard, cheese, wool, and all fruits whatever, though consumed at home, except of pine apples and *villotas*. The tenth is paid for of honey, wax, swarms, flax, hemp, cotton, shumac, madder, woad, chalk and *mindon*; of cochenille and indigo. With regard to the tithe on herbage, it is paid in money, and of silk one cod out of ten.

Of sugar, such as is clayed pays five *per centum*; the refined, skimmed; the *fontaines*, molasses, the clarified, the mixed, the coarse sirop and the bitter sirop, four *per centum*. One cassavi-bread out of twenty, the tenth of the cassavium.

No one is exempt from the payment of tithes, and even the king's domains are subjected to them, or are reckoned in the product. No person can quit his canton unless he has paid his tithes; the fishery and the chace are exempted.

There are no personal tithes. The country tithes are due only conformably to the instruments, and do not comprehend metals and other things excepted in the bulls.

The first fruits are the same as in the archbishoprik of Seville. In general half a fanegue (1) is due

(1) The fanegue is a weight nearly equal to a hundred pounds troy.

of any thing making six fanegues, but nothing either above or below this quantity. Of the article cannot be estimated by fanegues, it is valued in the proportion above mentioned. If milk as much is due as can be milked the first night.

The product of the vacancies is not demanded till four months after the new incumbent has taken possession, and it is estimated at the mean rate of the five preceding years.

The ecclesiasticks can fill no employment, nor can they carry on any kind of trade or commerce. They are not, however, forbidden to have plantations, and Valverde is a personal proof of this.

The royal court may require of the prelate to make his diocesan visits, and to call synods, if he neglects this part of his duty, and he may even act against him or any ecclesiastical judge whatever, if either was to cause a cessation of divine functions, after the court had ordered the suspension to be taken off. When the royal court has pronounced sentence of banishment against an ecclesiastic, it must send him, with the prosecution, to the Council of the Indies. This precaution is not the only one required of the court towards the clergy; for, if indecent requests are addressed to it against the archbishop, it must cause them to be torn, and all the requests against the persons of the clergy are read in secret.

Neither the president nor the members of the royal court nor their wives, can enter the inside of the convents of the nuns, nor go into the parlours at hours when they are not commonly open.

The attorney-general examines the causes which go before the ordinary touching the immunities of the church. He ought also to make complaint against the disposition made by the ecclesiasticks of what they have acquired contrary to the prohibitions of the councils.

With regard to the cures, they are, in Spanish St. Domingo, submitted to the choice of the archbishop. The regular clergy also acknowledge his jurisdiction, and as they cannot go into the Indies without a dismission, without being acknowledged by the attorney of the mission, to which they are attached, and without the permission of the Council of the Indies, who takes care that they are furnished with alms or the viatica, who ought to procure them what is necessary for their voyage, there are so many precautions that ought naturally to be taken that they may be chosen in such sort as to produce no scandal.

But there is a scandal to reason and humanity with which the Spanish government has stained the New World; and that is, the tribunal, the very name of which excites horror, because it indicates, an examination into what man ought to have entirely in his own breast, when even he has nothing left on earth, his conscience.

As early as the year 1517, the cardinal of Toledo, inquisitor general, gave the bishops of Santo-Domingo and Conception de la Vega commissions as inquisitors, for their respective jurisdictions.

The 25 of January 1569, was the disastrous day on

which a law opened to the inquisition a door to this part of the world; and ever since the 26th of December 1571, it has had three tribunals, one at Lima, another at Mexico and a third at Carthagena; it is on this last that Spanish St. Domingo depends.

Each of these tribunals is composed of two inquisitors, an attorney-general, an alguazil-major, a collector, a secret-notary and other subalter officers, necessary to the jurisdiction of the holy-office. Though Santo-Domingo is not the chief place of the residence of the tribunal, the reader will pardon me, perhaps, if I give here some account of the reception which the law, orders should be given to the inquisitors on their arrival in the chief place, at the time of the foundation of the tribunal, because it seems well calculated to give an idea of that degree of depression to which the spirit of the people is sunk.

When the vessel bearing the inquisitors is come to anchor, they give the governor notice of their arrival, that he may prepare them appartements in a convent, or if there be no convent, in a decent dwelling house. When they land, the artillery by land and sea, fire a salvo; and this is always on a Sunday or holyday, in the morning, when the greatest possible pomp is displayed. The bishop and chapter, the governor and municipal body, wait for them on the beach. The procession begins in the following order. The bishop or archbishop takes the senior inquisitor on his right hand, while the governor takes the right of the junior inquisitor. If the bishop is absent, the senior inquisitor.

fitor walks between the junior inquisitor and the governor, the former on his right and the latter on his left. The attorney-general, after having made the sign of the cross, takes the standard of the faith; and walks with it between the dean of the chapter and the lieutenant governor, or between the two persons next in dignity; then comes the alguazil-major between the two next, and successively the collector and secret-notary, in the same manner.

The procession thus advances to the cathedral, where they are received with the cross, by the clergy, singing *Te deum*. The inquisitors and their officers go into the greatest chapel on the gospel side, where there are three seats of velvet placed, for the inquisitors and their attorney-general, with a carpet and two cushions only, which are for the inquisitors. The officers are seated on the bench covered with a carpet. The bishop and chapter are in the choir; the governor and the municipal body on the epistle side. A solemn mass of *thanks-giving* for the establishment of the holy office is sung. Then the governor and others, take the canonical oath, and the schedule and provisions of the inquisitors, who are conducted to their apartments, in the same order as to the cathedral.

Some days after the inquisitors publish the edict of the faith. The governor and municipal body attends them. The first inquisitor is in the middle, the second on his left, and the governor on his right. The attorney-general is between the two persons next in consequence after the governor, and with regard to

the alguazil-major, the collector and secret-notary, they go with the municipal magistrates (regidores). Arrived at the church, two canons present holy-water to the inquisitors, and conduct them to their place, in the great chapel, already mentioned, where they sit at all the acts of faith. If the inquisitors come to the church on the days of solemn festivals, they have the chapel to themselves also, but then the canons are not to accompany them, as at the acts of faith.

If a public act of faith is to be solemnized, at which the bishop, the chapter, the governor and municipal body ought to assist, it is in the same order as that of the public entry on the arrival. The procession goes to the amphitheatre erected on the public square; there the bishop and his chapter range themselves on the right, the governor and town-magistrates on the left, the inquisitors under a canopy. If the bishop is absent, the dean takes the left of the junior inquisitor; and in going to the amphitheatre, the governor takes the place of the bishop, on the left of the senior inquisitor, and the dean on the left of the junior; but arrived at the amphitheatre, the governor and dean take the left of the inquisitors; the chapter being on the right and the municipal body on the left. The alguazil-major of the town must also be on the square, because the police during the day is committed to him.

The agents of the inquisitor, that is to say, his contador, or minister of the finances, the doctor in divinity

divinity and others, precede those whom all the tribunal ought to precede, because they are look upon as making part of it.

It is from the product of the confiscations made by the inquisition that its ministers are paid, unless their insufficiency obliges them to have recourse to the public treasure. In every cathedral church, there is a canonicate left vacant, the income of which is reserved for the inquisition. Its officers, named *pro interim* (who are appointed by the vice-roy, from the attorney-general inclusively), have only the half of the salary attached to their places. The officers of the inquisition are exempted from imposts, except that of *alcabala*.

The number of *familiars* of the holy-office is indeterminate, and they may carry on commerce, because they are not looked upon as members of the inquisition. I pass over in silence a crowd of particulars, which would be merely historical, to come to the manner in which the tribunal, established, by the wish of the grand inquisitor and royal pleasure, at Carthagena, exercises its jurisdiction at Santo-Domingo.

There is a commissary who, though he might be a lay man, is an ecclesiastick, and almost always a canon of the cathedral, an alguazil and several *familiars*. I have already observed, that the power of the inquisition is almost nul in the Spanish colony of St. Domingo, and it is an advantage that it enjoys still more than any other of the Spanish colonies, though the inqui-

sition in these latter is much less severe than in the mother country.

The commissary of the inquisition is far from enjoying the plenitude of the power of those whose delegate only he is, and the law prescribes even that he should be circumspect in what he does. He is more than they obliged to remember, that the inquisition has no authority over the universities, and that every thing belonging to the government is totally out of his reach. The commissary must not render what is called duties of civility to individuals, but be *very gracious* towards the inhabitants, who are in the habit of accompanying him in his public functions. The quality of commissary, which attracts a great part of the awful and superstitious respect paid to the inquisition, does not, however, shelter him who is invested with it, from the prosecution from crimes that he may be guilty of.

I have but a word more to say of the inquisition : every where the object of its most implacable hatred is, books, and this character is as apparent at Saint-Domingo as any where. A weak sight is ever wounded by the light. The inquisition preserves here also its rooted antipathy for the Jews, Moors and natives of Barbary.

There is, besides, in Spanish Indies, another establishment or tribunal, for religious matters, but which at least has neither terrors nor torments ; this is the holy-crusade (*santa cruzada*), a name taken from a bull, the original object of which was to give indulgences

to all those who should make offerings of money, or of their arms, to be employed against the infidels, At present it is more than a Crusade purely spiritual, it is in reality neither more nor less than a tax, though it appears to the option of every one to refuse to purchase the bull; but it offers so much good for so low a price, and the neglecting to procure it indicates an indifference so bordering on unbelief, that every one, even the ecclesiasticks, purchases the celestial treasures, and with them the liberty of eating meat, eggs and milk, during the meagre days of lent, provided he be authorized by the opinion of his doctor and confessor.

There are besides, bulls for the cessation of the pains of a conscience weighed down by wealth invaded or ill acquired, and this is an article within the competence, and that makes part of the profits of the holy-crusade.

The principal feat of this tribunal is in Spain, and its chief is a magistrate, who is called, *Commissary-general of the Crusade*. This establishment has existed since 1525, and was rendered applicable to the Spanish Indies only by a law of the 16th of May, 1609; and as it wishes to have a tribunal of the Crusade in each place of the Indies, where there is a royal court, Santo-Domingo has one. Here it is composed of a sub-delegate of the Commissary-general of Spain, of the senior auditor, the attorney-general of the royal court, and the eldest officer of the public treasury, who takes the title of contador of the Crusade.

The sub-delegate general is often a canon, but this place, without doubt considered as very honorable, is still more elevated by the title of superintendent, which the president of St. Domingo does not disdain to accept of, as many of them have proved by adding it to their qualities.

The sub-delegate general establishes, in the places where he thinks necessary, sub-delegates in particular. These issue their statutes, under an appeal to the tribunal, where the sub-delegate general judges with the auditor, who signs the sentences. If they are of different opinions, they call in another auditor, who gives the casting voice. All the judges and ministers of justice, are held to cause the sentences of the Crusade to be executed.

It is the Crusade that grants permission to have private oratories; it is recommended to it to be very cautious in this respect, and to send a statement of such grants to the Council of the Indies.

The officers of this tribunal are subjected to the payment of the alcabela.

The bulls for the Indies, are first sent to the Council of the Indies, and then to that of the Crusade, before they are sent to the Indies.

The auditor who assists at the tribunal of the Crusade, may vote at the royal court, when any thing is created of relative to the Crusade.

I now return to the particulars which may be looked on as belonging to the royal court.

This tribunal has counsellors, or barristers, who

are previously sworn. Their principal oath is, not to take on them the defence of unjust causes.

They have a bench in the court, where they sit in the order of their admittance; an order of which the law looks on them as extremely tenacious, since it pronounces a suspension for a year against the councillor who shall take the place of another. The councillor is answerable to his client for the fraud of which he may render him the victim, and he cannot give up a cause, when he has once undertaken it. The violation of a secret of his client would at once strip him of a title which this secret renders honorable. To shelter himself from the complaints of his party, he must request this latter to give him in writing a sketch of the facts of the cause. The councillor signs the requests, and can have no more than two writings in one cause; the others are rejected as void. He ought, as soon as the suit is completely concluded, leave it two or three days with the attorney in the cause, who reexamines it. If he is guilty of repetition in a writing, he is subject to a fine of two dollars; and it is the same if he speaks to the court, without having obtained its permission, and if he should dare to advance a lie to the court. He ought to make out an abstract of the cause, sign and attest it. His fees, settled by a tariff, are always taxed by the court, even when there is no sentence of costs, and the clerk is obliged to make him return to the parties what he has overcharged. One of the councillors has the truly noble title of councillor of the poor.

One of his duties is to assist every saturday at the visitation of the prisons, and he has an allowance for this loss of time out of the product of fines. No councillor can be the father, son, father-in-law, brother or brother-in-law, of the president, auditors or attorney-general, on pain of a fine of a thousand castillans in gold.

The royal court has also a collector of the fines, called fines of the chamber, of those applicable to the expences of the court, judiciary expences, or legal alms. The clerk is obliged to communicate to him those which the tribunal has imposed. At the end of each year, he renders an account of them to the officers of the treasury, in presence of the attorney-general; sends a duplicate to the Council of the Indies, pays the balance into the treasury, and deducts, from what he has received, a certain fixed commission. He gives bail, and requires bail from the collectors whom he chooses, unless he leaves them to be supplied by the clerks of the municipalities, who send him their receipts of each month. He may issue executions to the alcades and judges for the recovery of fines, from the produce of which are defrayed several expences, and particularly those of the criminals condemned to the public chain.

The president is required in a particular manner, to watch over the administration of this collector, and his negligence in this respect would be a subject of reproach on the examination of his own administration.

The royal court has, besides, a taxer of costs and distributor of suits. This is an office which is farmed also. There is an auditor who takes cognizance weekly of the appeals of this tax. As to the distribution, it consist in distributing among the different clerks and writers the causes tried in the court. This distribution is not obliged to be done equally with regard to the profit, because some writings are considered as the sequel or the consequences of others, already committed to the same clerk or writer.

There are also attorneys of the royal court. They are named by the king and examined by the tribunal where they have a bench, in which the clerks of the other tribunals have a right to sit. The signature of a counsellor is necessary to them, unless it be in suits of default or in order to conclude. There is a singular custom with respect to these attorneys; they are obliged to deliver to the clerk of the court the money they receive from the party, and the clerk pays each officer what he has to receive, keeping a register, which he lays monthly before the auditor of the week. An attorney cannot act without a power from his client.

The royal court chooses its interpreters, who are sworn and who serve the court at all times when they are wanted, in which case they receive certain allowances.

A serjeant at arms keeps the door of the court, and causes silence and order to be observed during the sittings.

It is necessary to observe, that the officers of this tribunal, from the reporters downward, are amenable to justice in all the tribunals, if it be not for something touching the exercise of their functions, for which they are answerable to their own court only.

There is yet a sort of tribunal, which was erected on the 16th of April 1550, in the Indies, which may be considered as a dependence on the royal court, since one of the auditors of the latter there presides as judge. At the beginning of the year, the president names an auditor, who during two years, judges, causes recoveries to be made, administers, lets and sells the property and settles the affairs of vacant successions, those of even ecclesiastics, soldiers deceased intestate, and whose heirs are absent, and he may revoke this choice, when he pleases, either with or without assigning his motives for so doing. This *judge of the property of deceased persons*, as he is called, is charged with every thing relating to its administration, for which he names commissaries who give security. He has, besides, a power of inspection into the conduct of executors of wills. In all cases the parties may appeal from his decision to the royal court; but there lies no appeal further.

All the justices of resort acknowledge, and attend to, the mandamuses of this auditor, and it is they whom he charges with the recovering of all that is due in their several districts. If they are negligent, he may, after having consulted the royal court, send a person to make the recoveries at the expence of those

those who shall have rendered the measure necessary, and the court taxes this extraordinary envoy.

If the auditor, who is judge of vacant possessions, exceeds his powers, in the due exercise of which, the president ought to see that he is not thwarted, the attorney-general, on the part of the public, appeals from his decision. He ought to judge in a summary manner. He has a clerk to himself, a general collector of the funds, to whom is allowed a commission of three *per centum*.

The auditor remains responsible for whatever he may cause to be paid improperly, and his orders of payment are countersigned by his clerk. He may require, at pleasure, information, particulars, and brief statement, of all persons concerned in the management of the property of deceased persons, and with respect to the commissaries and other persons who ought to give him an particular account of their conduct, these accounts are delivered to the auditor, then joined to the royal officers of the public treasury. These latter keep, as well as the general depositary, a register of the nomination of the commissaries, and in case of delay in making out the accounts, they solicit the judge against these commissaries, who are most rigorously prosecuted.

There is a particular fund for the property of the deceased, kept in the same place as the royal funds, and this fund, as also the particular account that ought to be given of it, are in the charge of the officers of

the domains or treasury, who give special security for the same.

The inventories of the property of succession in the places where the general judge does not reside, and where there is no substitute named by him to recover, are made out by the justice of the place, who addresses them to the general judge and to the royal officers, and if the inventory is inexact, this justice incurs the penalty of paying a fine of four times the amount of what has been omitted.

The officers of the public treasury ought to require, at least once a year, an account of every person who detains, farmer of revenue, administrator and collector of the property of the deceased, and prosecute, on the request of the attorney-general, those who have been guilty of a misapplication. Annually the general account of these officers is sent to the Council of the Indies, signed by themselves, by the auditor judge and by the clerk, and it contains all the particulars necessary to throw light on the management of each succession, and to distinguish those the heirs of which are known from those which are absolutely vacant. Annually also the balance ought to be ready for the disposition of the Council, who generally sends it to the chamber of contraction of Cadix, and the president, who ought to see to the sending of the accounts, and the royal officers who ought to require them of the administrators, cannot be paid their salaries, if they have neglected their duty in this respect.

When one auditor succeeds another, in the post

of judge of the property of the deceased, the predecessor renders him an account of this property, and of the state of the suits depending on them, of all which the president also receives an account. This latter either names a person, or assists himself, when the examination of the fund takes place.

No person who witholds the property of a deceased person, nor any executor of a will, in succession the heirs of which are absent, can embark to quit the colony, without giving an account, on pain of having his own property confiscated, one half of which confiscation goes to the fiscal and the other to the heirs of the deceased. And it is expressly ordered that the justices of the different ports, shall make all those who sail from them, swear that they have no kind of management of the property of deceased persons, and to oppose the departure of those who, owing an account of their administration, have not given it, on penalty of being responsible for the balance due. The president and the royal court give no permission to go to Spain, without a certificate from the justice of the place of residence of him who requests such permission, attesting that he owes nothing to the estate of a deceased persons.

To render this administration still better known, the auditor is obliged to send to the king, annually, a circumstantial detail, which is completed when he quits his functions, for the time elapsed since his last account.

Every year the notaries communicate to the town

clerk of the place of their residence, copies of all wills in order that they may be sent to the auditor.

If there is a doubt, whether a succession *ab intestat* is with or without heirs, it is the auditor who ought to judge. If there are known heirs, it belongs to the ordinary judge to pronounce. But in the latter case, as in that where a writing should be found, privately drawn up and signed in form of a will, capable of being proved by witnesses, which would again come within the competence of the ordinary judge, the law prescribes, that what this judge may decide on, should be submitted to the royal court, even if no one should move an appeal. The greatest precaution must be taken not to deliver the property of deceased persons to any but the true heirs, or their real attornies, and to be on guard against the declarations of those who are not natives or subjects of the kingdom, or those whom the law exclude from the right of heritage.

The executors, held by the will to deliver the property to heirs or others residing in Spain, are obliged to do it in the course of the year, to embark them on board a register-ship consigned to the chamber of contraction of Cadix, with the inventory and other necessary documents; and, after the year is expired, they are obliged to give in their accounts, and deliver all to the royal officers, who are to send it, unless the testator has made a different disposition.

When the successions are intestate, the auditor and the officers of the treasury send the property to their heirs who are in Spain, in money, hides, or sugar.

This is according to a law, made for St. Domingo, of the 17th of June 1563, and the articles sent are always to the consignment of the chamber of contractation, which takes place also with respect to successions absolutely vacant; that is to say, without known heirs. If a succession is charged with debts., but having at the same time a surplus, that surplus is sent provisionally.

The auditor assists, *gratis*, at the taking of inventories and at the sales. The executors cannot sell, except they do it publickly in presence of the auditor, or of the justices in those places where the auditor does not reside; unless the testator has otherwise ordered. But all the sales ought to be preceded by a valuation, made by persons of information and good fame.

Finally, the whole of this branch of administration is submitted to the president and the royal court, who set apart one day of each week for affairs relative to the property of deceased persons.

Those of my readers who are acquainted with the French colonial laws, will not fail to remark how much they have borrowed from the Spanish jurisprudence with regard to the property of deceased persons and vacant successions, particularly the edict of the 24th of November 1781.

Among the articles where I have yet to speak of the president, of the royal court, and even of the archbishop, that of precedence and of the public ceremonies presents itself first.

The archbishop has a particular seat in the church, and a canopy, according to the roman-catholic custom; but he is forbidden to have one carried over him the day of his reception.

The auditors, the attorney-general, and other officers of the royal court, ought to accompany the president to the mass on the three festivals of easter, the days of *Corpus-Christi*, assumption day, and the festival of the patron of the cathedral; and on the other festivals and occasions, called *customary*, such as candlemass-day, ashwednesday, the day of the bulls of the Crusade, holy-friday, &c. when the president is obliged to attend with exactness, or to inform the archbishop, in case he cannot.

The senior auditor walks on the right of the president, and when he comes to the place of the latter, he makes him a *reverence*, to which the president answers by a *gracious reception*; when he returns, he is conducted to his appartements. The president is received on the out side of the church by four or six canons, even when he is alone, and this honour is paid to the royal court also. At the door, a canon or the chaplain of the court, presents the president and the royal court with holy-water.

When the holy-water is sprinkled, it is first presented to the archbishop and the clergy, then to the president and the royal court. The president is incensed. If the president does not assist at the ceremony, the honours due him are rendered to the senior auditor, provided that the royal court be present in a body.

When the archbishop is in his great-chapel, he takes the salutation of peace before the president; but if he be in the choir, two peace-bearers set out at the same time, one of which goes to the archbishop and the other to the president. If the president is alone, the salutation of peace is carried to him by the master of the ceremonies, and if the royal court be present without the president, the court in a body receives the salutation; and the rule is that whoever receives it, returns a *reverence*.

The president and royal court have each their particular seat in the church. That of the former is more elevated. The royal court ought never to go thither in a body, except on days of *customary* festivals. No other but these persons and the archbishop, or those of the nobility can have seats in the church. The principal inhabitants can have no more than benches.

In these religious acts and other public situations, the royal court is not looked upon to be present as a tribunal in the exercise of its functions. Accordingly if it happens that the president or the senior auditor has to speak, at such a time, to a canon, about something relative to the government, he must call him, take off his own hat, and talk with him, without making use of the word *you*. No one can sit with the royal court, when in a body; but this is not observed when the auditors and the attorney-general are accidentally assembled.

The wife of the president, those of the auditors

and the attorney-general, have, without the steps of the altar of the great-chapel, benches purposely for themselves, for the women who live with them, or for ladies who accompany them; but no particular honour is due to them.

At the processions and religious acts, the archbishop takes the lead, then the clergy, behind the officiating preast, and immediately after comes the president at the head of the royal court, in such manner that the prelate cannot mix with the court. If it happens, however, that in particular cases, the archbishop and the president ought to appear together, the president has the right hand, as representing the person of the king.

In the public festivals which relates to the royal family, the municipal body walks first; then comes the royal court, having between it and the municipal body, the contador and deputy of the grand-chancellor. If the chapter ought to be at the ceremony, it precedes the municipal corps.

In secular public ceremonies, to which the president and royal court go in a body with their attorney-general and alguazil-major, the contador follows, then comes the deputy of the grand-chancellor, the justice of the place, the other ministers of justice, the inhabitants, and the municipal body closes the procession.

The archbishop has his train born at the processions, though the president assists, but he has then only his own train-bearer. If he goes to the president's his

page bears his train as far as the door of the president's appartement. If the archbishop officiates he may have his train-bearer near him, as also the master of the ceremonies and his chaplain. He has also these three about him at the processions, if the president and royal court are not present. The canons cannot carry an umbrella in the processions at which the royal court is present.

If a doubt respecting the ceremonial should arise between the president and the court, they ought to deliberate on it, and make a provisionary regulation, till the determination of the king is made known through the Council of the Indies.

The archbishops of Santo-Domingo have often pretended, that their jurisdiction extends over all the island, and we have even seen some of them marry persons of their pretended flock, come on purpose to implore their archiepiscopal benediction, or confer orders on them. But these acts have always been annulled by the superior courts of the french colony; and it has been decided, long since, that no Spanish prelate can exercise his ecclesiastical functions in the French part, unless he has previously signed a formal declaration, that it is not in right of jurisdiction.

In the *juntos* or assemblies of the public treasury, at which the president, an auditor, the attorney-general, the contador and royal officers assist, it is in the order as here named.

The president, speaking to the auditors and attorney-general, verbally, must say, *your grace* (merced),

and when he speaks of them in their absence, *Sir* (*Sēnor*), and, in every thing, he ought to treat them as his colleagues. With respect to them, they ought to treat him as a chief and father; so that, by their reciprocal deference for each other, they mutually add to their consideration and consequence. The president must write to the auditors in letters, and not in patents in the name of the king. If he writes to the court in a body, he calls it *lordship* (*fēnoria*), and the court returns him the same honour. All those who speak or write to the president give him the title of *excellency*.

The royal letters-patent adopt the word *you*, even when addressed to the president or the royal court. The president, the royal court in a body, and the auditors, are required, in their communications with persons of title, to adopt the stile of the royal chanceries of Valladolid and Grenada.

If the court gives a mandamus to the auditor provincial judge, it makes use of *you*, as towards an inferior judge.

When, at the processions, there are auditors enough to walk two-and-two, without one remaining to walk with the attorney-general, this latter takes the right of the alguazil-major. If he walks with an auditor, the alguazil-major goes before, and never with an auditor.

If an inspector-general should be sent to the colony (I shall speak of this officer further on), the president takes the lead of him. If he be a member of the

Council of the Indies, he has a seat on the left of the president. Should the president be absent, the inspector is preceded by the senior auditor, and if he comes to the sittings of the royal court, and neither the president nor senior auditor is present, he takes his seat in the middle of the auditors.

No judge charged with a commission, if he be not an auditor, an alcade, an attorney-general, or member of the body of the royal court, can take a seat.

The magistrates and all other officers, who have obtained the honorary, preserve their seniority and rank, but not the denary.

At the assemblies of the municipal bodies, none but the members ought to assist, on pain of a fine of ten dollars. In the processions the ordinary alcades go first, and if they are not present, the senior municipal officer takes their place, followed by the alguazil-major and royal officers. The municipal bodies of principal places, have a right to have mace-bearers, and in their visits to the president, he ought to give them a very gracious reception. The municipal bodies are forbidden to cover, whether in velvet or otherwise, the benches placed in the church for them.

If a writing is to be signed by the president, by the auditors and officers of the treasury, they do it in the order here observed; but all on the same line.

When there is an assembly held at the royal court, for the discussion of subjects relative to the finances, the officers of the fiscal have a bench in the interior,

near that of the attorney-general. The contador takes his seat between the two; the titularies always preceding those who are named *pro interim*.

The president and auditors never go in a body to a marriage or funeral; except at the death of an auditor, an attorney-general, alguazil-major, or their wives. The president goes first, having the senior auditor on his right, and the widower, if there be one, on his left. The children are between the auditors. Arrived at the church, the children seat themselves on a bench apart, with the other relations. In all other cases, the president and auditor, if they attend at all, must do it as simple individuals.

Finally, in regard to the epistolary or verbal stile, the titles in the public writings, the arms and exterior marks of distinction and dignity, the law prescribes to every one a strict conformity to the stile of the chanceries of Valladolid and Grenada, and to the royal pragmatics. But, we have already said enough of these miserable inventions of pride, prized by no people so much as by the Spaniards. Let us now turn to the municipal bodies, which are doubly interesting, as containing the ordinary judges and officers of police.

When the question is to be determined, whether such a place shall take the title of borough, town, or city, it belongs to the Council of the Indies to decide. Town is above borough in no other respect, than that it is of more importance in itself; but the title of city has the particular advantage, that, when it has an alcade-major, he has nothing to do with the police,

wich is exercised by the municipal body. The alcade-major is a sort of governor whose jurisdiction extends very far, like that of St. Yago, the only one at St. Domingo.

The cities of the mother-country have, as I have already observed, the privilege of sending each a deputy to the *Cortes*.

The municipality can never assemble but in the town-house, and if there are extraordinary assemblies, which can take place in cases of urgent necessity only, the town clerk must advertise all the members of it by the serjeant at arms, or door-keeper. No one can enter armed into the town house, if his place does not give him a right so to do. The law most rigorously prescribes the greatest freedom at the elections and in the deliberations, and that every one may concur in maintaining it, no one can be re-elected to a municipal post, till after two years interval; and even an alcade cannot fill the place twice till after three years.

There is a register kept of the deliberations; the schedules and letters-patent of the king, concerning the city, are written in it, and the originals are kept in a deposit with all the instructions relative to the interest and good order of the place. The letters of the president and the magistrates also are here preserved.

In the members elected for each municipal body, there are two alcades in ordinary. Twelve aldermen (regidores) in a great cities; but not more than six in the others. The ordinary alcades and the alderman,

appointed annually by the municipal body to tax articles of subsistence, cannot be taken from among those who deal in them. The municipal exercises the police of the place, causes the shops and markets to be visited, appoints officers of weights and measures, sees to the good order of the inns, &c. If there is a royal Alferéz (standard-bearer), he is looked upon as the first alderman.

Every town or city may have attorneys acting in its name, and treating for its interest with the Council of the Indies, the royal court, and with the other tribunals. These are chosen by the alderman only. A city may, besides, have, as an agent at the court of Spain, some one to whom it sends its powers, provided he be not a relation of any auditor of the attorney-general of the royal court. However, in very urgent cases, the president might permit the sending of a representative attorney, but if judged unnecessary, those who should send him would defray the expences.

The function of the ordinary alcades, is, to take cognizance, in the first instance, in civil and criminal matters, of all the causes, an appeal lying to the royal court. To be eligible as alcade of any place, the person must not only reside in it, but be decently settled. These officers are named for two years; their election, before they enter on their functions, must be confirmed by the president, or by the first auditor when he takes his place in the town or city of their residence, or within the circumference of five leagues.

The ordinary alcades can in nowise meddle with matters of government, nor in the taxation of merchandises. When one of them dies, or absents himself, the senior alderman supplies his place, till the new election. The alcades have a voice in the municipality, and they ought to hold their courts at the town-house. If the royal court confirms the decision of the ordinary alcades, it must refer the execution of them to themselves. The jurisdiction of these alcades takes the general name of *justice*.

An alcade, an alderman, or a town-clerk, cannot, in the first instance, be prosecuted before the royal court, except for a criminal matters. In civil matters, one alcade tries another, and an alderman or town clerk is tried as another individual.

The ordinary courts are subordinate to the royal court, and if they refuse to execute its mandamuses, the royal court sends, at their expence, agents or inspectors, and it is the exclusive judge of the consequences of their operations.

The alcades name alguazils; and the alguazil-major of cities name lieutenants, alguazils for the country and alcades of the prisons. I refer the reader, for an account of these alguazils-majors, and those named by them, to what I have said of the alguazil-major of the royal court; for there is no difference, but in the pre-eminence of this latter.

The ordinary justices, or courts, receives no demand or plaint, the value of which is under twenty dollars. Every condemnation passed by them, whe-

ther by the body, or by the alderman appointed for the taxes and the police, which does not exceed six dollars, is subject to provisory execution.

After having thus taken a view of the first degree of jurisdiction in ordinary causes, let us see what belongs to the appeal, whether from the ordinary justices or judges of commission.

For suits under a hundred dollars the appeal is from the ordinary justices carried before the municipal body, as also are those from the alderman of police, which are under thirty ducats. The condemnations issuing from the municipal body are executive as high as a hundred dollars.

The royal court receives all the other appeals from the ordinary justices or judges of commission. It admits also those from the decisions of the president in matters of government; but this latter are received in its secret sittings, and if he is not the exclusive judge by a particular branch of his power.

After the appeal to the royal court is closed, there yet remains that of *supplication* to the Council of the Indies, which is a real application for annulling the judgment.

On the appeal from sentences of the ordinary alcaides of the city of Santo-Domingo, if the decision of the royal court is under the sum of two hundred dollars, there is no opening left for supplication.

When the Council of the Indies receives a supplication, it refers to the royal court to pronounce again after a revision.

After

After the second decision, there may still lay a second supplication, if the suit is for more than two thousand french livres, and if it be not after an appeal from the sentence of an ordinary justice. But, even when recourse may be had to a second supplication, the sentence of revision is executive provisionally, in giving security; and if it be a question of possession, there can be no supplication, though the second sentence may differ from the first.

In cases of recourse to supplication, the sending of the procedure to the Council of the Indies is done in the original, and a fair copy is kept in the royal court. At St. Domingo, a year is allowed to procure a second supplication.

As it would have been possible for a rich man to declare that he would procure a second supplication, to keep down the opposite party, if poor and unable to give security, the law orders, that in such case, on the proof of poverty, made on the request of the attorney-general, the latter shall be obliged to give no other security than that of his oath.

At the Council of the Indies, there must be, at least, five judges to pronounce on a second supplication. They are chosen by the king. If one should fail to attend, the other four pronounce. If two fail, the king replaces them by others. The first thing examined at the council is, whether the supplication owes or not, and if it does, the council pronounces on the principal, and in that case there remains no appeal from the sentence of the Council.

If the Council confirms the sentence rendered by the royal court on the revision, the supplicator is subject to a fine of a thousand ducats, to be applied, one third to the public treasury, one third to the adverse party and the other to the revising judges. If the council contains itself with saying that the supplication is unfounded, the fine is no more than four hundred ducats, half of which goes to the public treasury, and the other half to the adverse party. The royal court may receive and support the proof of the reason for non-admittance, when a party has procured a second supplication; but at the same time, it is forbidden to make any decision on this reason for non-admittance.

The second supplication takes place also with regard to sentences given on the account by the contadors, and in all cases, the Council of the Indies can judge only on the vouchers of the proceedings sent from the colonies.

Let us here close all that yet remains to be said on the jurisdiction, or on what concerns it.

In the Spanish Indies, as in the mother country, there are multitude of writers of divers denominations. This term, generally taken, signifies at once clerk and notary, because these functions are always joined together; and in a country where great attention and latitude is derived from testimonial proofs, and where the writers receive testimony, except in extraordinary cases for which there are examiners, they must necessarily be very numerous. They also certify certain acts or writings to the president, the court, the judges, &c.

The writers, notary-clerks of the colonies, are all named by the king, examined and received by the royal court. No royal writer can practice, till he presents his authority to act as such to the ordinary justice, and to the municipal body of the place where he resides, and the clerk or writer of the town or city keeps a register of the same.

Every writer must have a repertory and a file, form annual lists of his acts, conform himself to the tarif, and transact business gratis for the king and for the public interest. If he absents himself for a considerable time, he must leave the acts in his keeping with the town-clerk. The minutes of a notary go to his successor and do not remain with his family. If there has been one *pro interim*, the royal court makes him an allowance for the time he has spent in his post.

There are writers of the chamber (*de camara*), who are, properly speaking, the clerks of the court; government writers, whose office is plainly enough indicated by their name, and of whom I have already spoken, because, at Santo-Domingo, the government writer or secretary, is also clerk to the royal court; royal writers, who act every where; town or city writers (*de cabildo*), who can transact only such affairs as come before the municipality, whose clerks they also are; clerks of number (*de numero*), who differ from the royal writers only in that their functions are confined as to extent of territory; ecclesiastical writers; writers of the Crusade or of the property of deceased

persons. All these employments of writers, clerk and notary, are compatible one with the other.

In all cities, towns and boroughs, there are prisons, where the men and women are put in separate apartments, and where there are, if possible, a decent chapel and even a chaplain attached to it. The alcade of the prison, or jailor, furnishes a security fixed by the royal court, in order to answer for the prisoners who may escape. The alcade of the place which is the residence of the royal court, makes oath before that tribunal; the others do the same before the municipal bodies. He is obliged to have a register, kept by a clerk of the prisons, to conform himself to the tariff in his fees, not to trust his keys to a negro, to live in the prison, and to visit it every night.

The prisons ought to be so disposed as that every individual may have a place according to his quality. They are visited every saturday, by an alderman or municipal officer, and by the ordinary justice. Two auditors, chosen by the president, also visit them every saturday in the afternoon, accompanied by the attorney-general, the ordinary alcades, the councillor of the poor, followed by the alguazils and a writer or clerk of the prisons. Sometimes the two auditors visit them on tuesdays and thursdays also. On Christmas Eve, Easter-Eve, and Witsun-Eve, the president, with all the auditors, preceded by the attorney-general and the justices, pay a visit to all the prisons.

The poor cannot be retained for prison fees, nor can those who have suffered corporal punishment, or

been banished. Those who are confined by order of the president, or the senior auditor when he takes his place, cannot be set at liberty, without having deliberated with them; and it is the same with respect to prisoners debtors to the treasury, on whose account deliberations must be had with those who have caused them to be arrested. As to prisoners for fines of police, they are set at liberty in discharging them.

The punishments of crimes and misdemeanours are the same as in Spain, with this difference only, that pecuniary penalties are to double the amount.

With respect to the payment of debts, the Spanish jurisprudence, employs the same means as that of the French; that is to say, different ways of seizure; but, in order to encourage and favour the culture of sugar, the law has set bounds to the exercise of the seizure of slaves and the instruments of sugar plantations is forbidden, unless for debts due to the king. The proprietor cannot renounce this privilege, and the writers are forbidden to draw up stipulations of such a renunciation. However, if the debt amounts to the value of the manufacture, and the proprietor has no other property, the sugar plantation may be seized, but entire.

We must now come to the finances and all that depends on this branch of the public administration, as, the revenues, duties, taxes, offices subject to purchase or taxation, &c.

In Spanish St. Domingo, the management of the finances is entrusted to a contador, and agent and a

treasurer. These three form a tribunal of the public treasury, under the name of the royal officers. It is, then, of these three individuals, collectively taken, that I speak, when I say, *royal officers, officers of the domain, officers of the fiscal, or officers of the public treasury*, denominations all of which suit them, because they express their functions, in whole or in part. The president ought to protect the execution of the sentences of the tribunal, which is left to the ordinary alguazils, for this tribunal, has none of its own. Sometimes the president is superintendant of the finances, and in that case he takes the title as such.

No one of the royal court officers can absent himself without a permission of the king, and the president fills up his place in the interim by an appointment. Each week there is at the royal court, one evening sitting, at which the president, the dean or some other auditor, the attorney-general and the royal officers, assemble to deliberate on matters wherein the fiscal is interested, and at which each of the assistants has a deliberative voice. If a dispatch comes, addressed to the president and the royal officers, they open it, being assembled together. The royal officers of Santo-Domingo, now render their accounts to a contador settled at the Havana. There are three keys to the treasury, and have been since, in 1508, Bernardin de St. -Claire, the treasurer, was found in arrear in the sum of sixty thousand dollars. The president always keeps one of the keys, the contador an other, and the treasurer the third; and on the door of

the place, where the treasure is kept, are three padlocks, the keys of which are distributed to the same persons. If one of the three is sick, he delivers his key to the senior of the other two, that the treasure may be opened, which is done once a week, to issue and receive payments. The president may order an examination of the treasury, when he judges it necessary. There are many books kept according to the nature of the receipts and expenditures. If the royal officers are of the different opinions on any subject, they call in the president, when he is superintendant, or else the dean of the auditors.

In the royal treasury there is also a chest where the markers and punches are kept, and which cannot be taken out but in the presence of the royal officers.

Every auditor is obliged to assist, in his turn, during six months, at the sales made for the account of the fiscal. All that concerns it ought to be promptly decided in the tribunals, and the president may punish, on the request of the attorney-general, even by dimission, those of the ministerial officers who shall delay the decision. The fiscal pays no fees to the reporters and clerks, and whoever is in debt to it, cannot exercise the functions of ordinary alcade.

The royal officers ought to give in their accounts the second day of every year. They search the vessels at the entry and clearance, even those of the king, with the attorney-general, and they put tide-waiters on board.

Let us now see of what consists the public revenue at St. Domingo.

First, the tithes and first-fruits, then the vacancies and goods of the deceased incumbents, the bulls of the Crusade, the duty of alcabela, which is at present fixed at two and a half *per centum*. This duty, at very long standing, the name of which is Arabic, was established in Spain so early as 1342, by the consent of the *Cortes*, and was applied to the Spanish Indies in 1574, in virtue of a law of 1558. The ecclesiasticks are exempted from it in their own income, but not if they possess other property. The articles of the Crusade, metals for coining, personal property, legacies, and property divided among co-heirs, arms and books are exempted; but, oil, vinegar, fruits, meat, cotton, sugar, honey, wool, skins, linens, stuffs, glass, earthenware, upholstery, ready-made articles, mercury, lead, copper, feathers, pearls, precious - stones, planks, boards, wood, household - goods, slaves, houses and land, all are, subject to the alcabela. The royal officers name the collectors for the different districts, to whom the notaries are obliged to give notice of the sales, the orders for which they have received.

Another duty is that of the demi-annat. It is imposed on all employments, not ecclesiastical, named by the king or by any other, and to fill which it is necessary to be sworn in. It consists in the half of the product of the place during the first year. There are receivers of the demi-annat, who pay their receipts into the public treasury. This duty, first laid the 22nd of May 1631, on account of the low state of the finances of Spain, was augmented the 6th of November

1642 to another half, which was, however, suppressed in January 1649. The demi-annat is paid, one half at the time of the nomination, and the other half during the first month of the second year.

Whoever obtains leave of absence for a year, pays the tenth of the produce of a year, the eighth, if the leave is for two years, the fourth, if for four years, and the half, if for a longer space. When the government grants a favour, it is estimated, and a produce is given it, capable of supporting the demi-annat. The perpetual employments, established since the creation of the demi-annat, are subjected to it.

Whatever is embarked or disembarked in the island, pays two and a half *per centum* duty of entry and clearance, if raw materials of the Indies, and ten *per centum*, if foreign, except books.

The confiscations form another branch of the public revenue. All relating to the contraband is tried by the royal officers in their precincts, and by ordinary justices in other places. The appeals of contraband by sea, come before the Council of the Indies, and those by land, before the royal court, except the fraudulent importation of negroes, in which cases the appeal comes before the Council of the Indies. The royal court is strictly forbidden to call before it any cause of contraband. With regard to that of gold and silver, secret informations are admitted.

There is generally an impost on the negroes, imported into the island; but I shall explain how it has been suspended, in order to favour the cultivation

of the lands. For the disembarkation of negroes it is always necessary to obtain a permit from the royal officers, or those of the justices in other places.

The king has, besides, the right of ship-wreck, as belonging to his sovereignty.

Another part of the public revenue is the produce of the sales of the offices of alguazil-major, writer of the chamber or clerk of the royal court; writers of the provincial judge, of the government, municipalities, number, prisons, property of the deceased; of those of receiver in ordinary of the court, alguazil-major of the towns and cities, collector of fines, taxer and distributor.

The person who acquires any one of these venal offices may resign it when he pleases; but at this first resignation, he must pay to the fiscal, one half of the amount of the purchase-money, and a third at each subsequent resignation. That the right of the resignant may be legally transmitted, he must survive twenty days, and he who succeeds him, must present himself and accept in sixty days, without which the office is reputed vacant.

Whether one of these offices has been sold or resigned, the king must confirm the new officer, and if the proof of such confirmation is not produced by him in five years, the office is sold again, and a third of its price falls to the public revenue.

There are, also, in the Spanish Indies, perpetual offices, which, considered as immoveable property, are, like it, liable to seizure.

There are some things the sale of which is exclusive, and is never made but for the account of the king, or according to a lease to his profit; such are, mercury, salt, playing-cards, sealing-wax, stamped paper of different sizes and various price, and of which each sort is intended for certain instruments, which are null on paper of another sort.

We must add to the public receipts, the product of fines, and the duty on things seized by the authority of the justices, if the debt, on account of which the seizure has been made, is not paid in sixty twelve hours after the making it.

Finally, the last duty at St. Domingo, is that imposed on the Spanish hatter, or grazier, for each head of cattle he sells to French, and which cannot go freely to the French part, without a permit from the president and a receipt for the payment of this duty.

The court of Spain has granted several exemptions from imposts to the new settlements forming at St. Domingo. This favour is according to the principles of this court, who commands the president, by all the laws of the Indies, to prefer, in the grants of lands, such persons as are capable of forming new settlements.

The grants for the hattes are of the first order, because they are intended to provide for the subsistence of the inhabitants, and those for cultivation are considered as only secondary. The president ought to consult the municipalities with regard to the grants, and he who does not take possession of land in three

months, loses his right, and the land is given to another.

The meadows, or rather grazing-lands, the mountains and waters are in common, generally speaking, to a certain distance from each town or city. Every *hatte* is allowed a league in circumference if it has two thousand head of cattle, and a second league, if it has six thousand, and a third, if ten thousand. No one can have more than three leagues. The wild fruits are in common. The waters, capable of being employed in watering, belong to the public domain. The president and royal court have the power of making regulations with respect to the use of things in common.

The land measures at St. Domingo are, the *Chevalerie* the *Fanegue*, and the *Etendal*. (*)

The government has also undertaken some establishments and public works in the Spanish colonies. To this sort of care it is that St. Domingo owes its university, established at Santo-Domingo by Phillip

(*) The *Chevalerie* is forty cordes or vares *conuqueras* long, and thirty wide; and the vare *conuquera*, contains twenty five vares of Castille of 31 inches, $13/20$ of a French foot. The *Chevalerie* is then, 2637 feet, six inches, long, and 1978 feet, 1 inch and a half wide, or 5,217, 304 feet, 8 inches and $3/12$ superficial, equal to 144,925 fathoms, 1 foot,, 6 inches and $6/12$; and, consequently, is 42 *carreaux* $13/22$ (wanting 82 feet, $4/11$) of French St. Domingo.

The *Fanegue* is equal to 26,880 feet superficial, or 746 fathoms $2/3$ square, equivalent to 11/50 (wanting 70 feet) of a *carreau* of French St. Domingo.

The *Etendal* is 5 feet long, as is also the French fathom.

the fourth. It is, as I have already said, in the convent of the Dominicans, founded by the emperor Charles V. Neither the auditors nor the attorney-general can be the rectors of it.

There is also a printing-office, which is little employed, except in the printing of the sheets, lists, returns, and others papers of the same sort, for the different branches of the administration.

No work concerning the colonies can be printed in them, without the permission of the Council of the Indies, and it is well known that this Council is not over fond of granting such permissions. In the examination of the vessels that arrive, strict search is made after the books proscribed by the inquisition, and as the convent of St. Laurence-the-royal has, in Spain, the exclusive privilege of printing religious books, the senior auditor is exclusively charged with the causes that this privilege may give rise to in the island. If a work be printed at St. Domingo, twenty copies of it must be delivered to the president, to be sent by him to the Council of the Indies, there to be buried, like every thing else that is sent thither.

With regard to public works, if the president thinks that a road, a bridge, or any other work of the same kind is necessary, he orders it to be done, laying the expence on those who profit from it, or asking the king's permission to defray such expence from the public treasure. If a work is to be performed in the place of residence of the royal court, the president, the dean of the auditors, the justice and the muni-

cipal body deliberate together on its utility and concert the means of execution. In the towns and cities a municipal officer is the overseer of the public works, to assist to which the vagabonds are sent, when the officers of police do not neglect this part of their duty.

We must now speak of the physicians, surgeons and apothecaries. The first are of three classes; physicians-general, the first physicians not general and simple physicians. One physician-general is that of the court of Spain, sometimes sent to the colonies to take the superintendence of the others, to inform himself of all the persons of the science and even of the virtuosi, of what medicinal plants there are in the country, their culture and use; to make in this way all the experiments that he possibly can, and to send to Spain such of these articles as are there wanting or as capable of being cultivated there; and, finally, to write a natural history of them. If the first physician-general is to reside in the colony, it must be at the principal place, the seat of the royal court, and he may then practice, keeping himself within five leagues circumference. However, if persons, from a greater distance, come to be examined by him, he may subject them to his examination.

A first physician not general is he who is named by the king, and who has the inspection of the medicines, in a certain extent of territory, but who loses this employ, when there is a first physician-general.

The ordinary physician and others cannot practice, without having communicated their certificates to

the president or the senior auditor, and, if it be an ordinary physician, without having also obtained the permission of the first physician. The bills of the physicians are taxed by the royal-court. For the examination and visits the first physicians ought to conform themselves to the laws of the kingdom, and never grant a permission without a personal examination.

No one can be a surgeon without having taken his degrees, and being examined by the first physician; and, with respect to the examination, the same holds good in regard to apothecaries.

If the first physician has to pronounce a penalty against some one, he must be assisted either by an auditor named by the court, or by the ordinary justice of other places.

The attorney-general is specially ordered to watch over the execution of the laws, in every thing concerning the physicians, surgeons and apothecaries. The president may also cause the drug-shops to be visited, at the times he thinks proper, and order to be destroyed every thing therein found that is bad.

These useful regulations of police brings me to others of a more general nature, which appear worthy the reader's attention.

The Spanish government, which has always looked on it as necessary to the preservation of its colonies to render the entrance of foreigners into them extremely difficult, could find no surer means of effecting it, than to let them out in some sort to the native Spaniards, and subject them to the necessity of procuring per-

missions. According to this system it is that no one can go from Spain to the Indies without a permission, from the king or from the chamber of contraction, a sort of general-custom-house, established at Seville in 1503, the only town which, at that time, was permitted to trade with America. This chamber, which took also the title of royal court, because it was besides a tribunal, having a president, took cognizance of every thing relating to the commerce of the Spanish Indies, and had, over this commerce, a power of inspection and superintendence, the voluminous particulars of which cannot find place here; because, they are foreign to my subject, and because, since the commerce of the colonies has been transferred to Cadix and other places in Spain, the importance of the chamber of contraction (commercial transaction) has so diminished, that it has hardly any relation with St. Domingo, except as to the management of the property of deceased persons.

Those who carry to the colonies persons without permissions, are deprived of their places, and a person being born in the Indies does not dispense with his obtaining a permission. They are never given to suspected converts, Jews, to their children, to the reconciled, their sons nor grands sons; to the *San-Be-nito*, nor hereticks. The same prohibition exists as to slaves, and to negroes who are thought to have acquired, by their residence in Spain, notions the propagation of which might be elsewhere dangerous.

None but born subjects can go the colonies and
settle

fettle there. If a person who is not a subject born obtains permission to go there to sell merchandises, he must dispose of them at the very port, where they are disembarked; nor can he carry away any thing in return but money. For a foreigner to obtain a schedule of naturalization, he must have resided twenty years in Spain, or in the Indies, with permission; he must be married there and have property to the amount of four thousand ducats. This schedule cannot be obtained till after proofs are taken by the royal court, on the deposition of witnesses administered by the attorney-general, and sent to the Council of the Indies. Finally, to render the landing in the colonies more dangerous to foreigners and to those who befriend them, foreign commerce is there punished with death.

It is clear, that these prohibitions concernig a passage to the Indies are not calculated to render the inhabitants very numerous, and there are yet some who cannot reside there: I mean those who, being married in Spain, happen to be in the colonies and live in a manner that indicates an inclination to remain there without their wives. The law directs, that these husbands, thus separated from their wives, be sent to them in the mother country, without the least attention to the reasons that they may alledge for being excused, or rather for putting off the epoch of a meeting, sometimes against the wish of both parties. The president and attorney-general are positively ordered to see to the sending off such husbands.

With the same principle in view, the law orders, that, without weighty reasons, no leave of absence shall be granted to those who are married in the Indies, and who wish to go to Spain without their wives.

One thing, which at first may appear rather singular, is, that there are some persons, who obtain royal schedules of recommendation, a sort of certificate for the president or royal court, according to their address, place these subjects in a manner analogous to their merit. But the ministerial letters of recommendation in the French colonies are but too much like these schedules, and are even more whimsical, since oftentimes they are given from dishonourable motives, while the publicity of the schedules and the character of him from whom they emanate, ought to render them less frequent, and a permanent Council, like that of the Indies, must be more difficult to deceive than a transitory minister, who looks upon all means as good which may tend to the preservation of his place.

It is, besides, very easy to give honourable reasons for a schedule of recommendation, at once for the protector and the protected; since, in the Spanish colonies, the law permits every one to prove his services before the royal court. He who desires this legal proof, contents himself with requesting the court to take it, explaining only the motive he has for making it. The attorney-general intervenes and points out the witnesses. An inviolable secrecy is observed with

respect to the witnesses, and the deliberation, when the court issues its opinion on the proof, on the person requiring it on his capacity or his right, relative to the object that he proposes to attain. The attorney-general if he be of another opinion than the court, and the latter refuses to make mention of it, may write himself. If the proof require witnesses at a distance, the court orders some one to receive their depositions, and the whole is sent to the Council of the Indies.

If it be an ecclesiastic, he addresses himself to the archbishop, or by the consent of this latter, to the royal court; but he must produce proofs in writing. If a municipal body, it receives a duplicate of the proof, that it may be sent by itself. It may happen, then, in case of a favourable evidence, or from the notes that the archbishop, the president and royal court send in form of administration on the divers subjects, that schedules of recommendation may be given; and if those who obtain them, are not yet arrived in the colony, they may have the means of obtaining this testimony equally honourable, though taken in other parts of the Spanish dominions.

Having now seen what is in some sort prescribed to every one, it remains to examine what means the Spanish government employs to verify if the different duties are discharged, and to chastise those who deviate from them.

When the president is of opinion that there exists an abuse, or abuses, in a place, or in any part of the public administration, he confers with the royal court

on the necessity of sending, or appointing, a judge by commission, or inspector, to ascertain the facts; and if the court is of that opinion, the president chooses the person. The royal court delivers him a commission, and sees that he does not exceed it. If it be touching something where secrecy is necessary, the president might send an inspector, without informing the royal court of it.

They ought never to send an auditor, except in a case of great consequence, and it is to an auditor only that the power can be given of deciding in the first instance. Every other judge by commission, not secret, must cause his commission to be enregistred at the town-house of the place where he exercises it.

The Council of the Indies has, on its side, a check much more extensive; that of sending an inspector-general to the colonies, who informs himself of every thing without exception, without being obliged, to make his commission known to the royal court, who receives only the schedule of his nomination, that it may not refuse jurisdiction to the inspector. The court is obliged, and the president also, to communicate to him all the information he may wish for. He may assist at the sittings and deliberations of the court, but not vote. The president cannot, however, be examined unless as chief of the royal court, and not as governor and captain-general. If the inspector asks to see the registers of the deliberations of the royal court, the president orders a place to be prepared in the court-house, where the inspector comes

and performs his examination ; but he cannot remove the registers. The royal court may refuse, if it chooses, to show him the copies of its letters to the king, if it is not expressly order to do it.

The inspector may appoint some one in his place for the ascertaining a fact in a place at a distance. He does not communicate the proofs that he collects. He may, for serious offences, pronounce suspension, and even send public officers to Spain, except the president. Without waiting till the end of his inspection, he may transmit the proofs of important facts to the Council. He acts against those who have acquired habitations, contracted marriages, and violated the prohibitions concerning acquisitions and contracts. All the alguazils are at his orders, and during seventy days, beginning on the day he announces his mission, he receives all the complaints that can be addressed to him, and rejects all such as come after the expiration of that time. The Council of the Indies pronounces on his inspection, and the appeal by supplication does [not always lay from the decision of the Council in these matters.

A last check from which no one need hope to escape, is, the *residence*, a name given to an examination which takes place every time that a public function, of whatever nature, in the Spanish colony, ceases, whether by death, dismissal, expiration of time, or transfer to another place.

Those persons, whose places are in the nomination of the king, have for examiners of their residence

those whom the king appoints for the purpose on the designation of the Council of the Indies, and this Council is the only judge of the appeals from the sentence given on the proofs or complaints of the residence. With respect to persons named by the president, or whom he has appointed *pro interim*, he himself names the inspector of their residence, and the royal court pronounces on the proofs which have been collected. The president names, besides, an auditor to examine into the residence of the aldermen or municipal officers, to whom the police of Santo-Domingo is committed.

All the ordinary alcades, aldermen, clerks and others municipal, officers are subject to the residence.

Although this examination, called the residence, ought not to take place till the close of the exercise, as this regulation might be the cause of malversation, if the president thinks a case of a very serious nature, he may, in conference with the royal court, if the court is of the same opinion with himself, order some one, and even an auditor, to take the examination of the residence at once; and the president then sends to the Council of the Indies the reasons by which he has been actuated.

To facilitate the choice of the president of the Council of the Indies, with regard to those whom he shall name to take the residence, the president of the colony ought to send to the Council lists, accompanied with notes, of the persons in the island, whom he believes fit for judges of residence in the different places.

It is at the principal place of the exercise of a public officer, that the examination of his residence ought to be taken. From the day when it is publicly given out that it begins, there are seventy days allowed for receiving complaints, and seventy more for redress. He who is informed against has a right to defend himself. If it be a president, an auditor or attorney-general, and he be intended for another court, and is obliged to take advantage of an opportunity, he may leave a person charged with his defence, in giving security for the payment of whatever may be given against him.

The judge of the residence ought to receive as well what is for as against the person tried, and a law prescribes to him to act with *prudence, sagacity*, and as a *christian*. There can never be two examinations of residence for one exercise.

When the residence of any one who has a right to draw on the public treasury is taken, the royal officers ought to be apprized of it, that it may be seen whether the drafts drawn by him do not give room for charges against him.

If, in the residence of an overseer of collection of public duties, it appears that there is something to be recovered in favour of the royal treasury, the judge addresses these articles to the officers royal; saving the royal court, if it ought to take cognizance of the residence, to pronounce on what there is culpable and criminal in the conduct of the person whose account is examined.

The sentences in residence, for subornation and corruption, are executive to the amount of thirty dollars. If more considerable, their amount ought to be consigned on the appeal. If they fall on an officer for having profited from a suit, they are executive as high as two hundred ducats, with a security furnished on the part of the plaintiff.

One copy of the papers and sentences of residence, which must be sent to the Council of the Indies, is deposited in the royal court by the clerk of the residence, and it remains there in secret, in case the originals should be lost in the voyage. The judge of the residence sends, with the paper, a particular note, in which he explains his opinion.

When the question is touching frauds of the duties, clandestine shipments and other matters of the like sort, one witness is sufficient.

In the residence, if he against whom it is instituted, and who is present, should die in the intermediate time while the decision is sent to the Council of the Indies, the pecuniary penalties must be discharged by his heir or by his security.

The judges who are ordered to try the residence of the auditors and attorney-general, may cause them to be arrested, cause their property to be sequestered, and send them to the Council of the Indies with their suit completed.

The attorney-general ought to see to the prompt termination of the trials of residence submitted to the royal court, and send annually to the Council of the Indies,

Indies, proofs of the residence of the officers of justice named by the president, with the sentences of the court, and the particularities of their execution.

When the sentences of the judges of residence named by the king do not go to penalties above six hundred dollars, the person against whom they are passed may appeal to the royal court in place of to the Council of the Indies; but with respect to sentences in favour of the fiscal, this Council only can judge in appeal.

The appeal by supplication does not lay from sentences given by the Council in matters of residence, unless such sentences extend to privation of office or to corporal punishment.

Finally, an officer cannot be removed from one post to another, without producing the proofs of the residence for the one he has already filled. The residence was established at St. Domingo in 1543.

Who would not believe, that the fear of an examination, extending to every act public and private of a man, whom any one may accuse, who is given up, in some sort, to every kind of vexation and reproach, to envy and even vengeance; who would believe, that such a man would not be a person, in the continual habit of living like the sage who wished that he had a window in his breast exposing his heart to every eye? Who would not believe that the people living under the care of a being surrounded with a watchfulness, that a thousand motives must call into redoubled activity would not be the happiest of mankind, particularly when we know, that there is not

a single Spaniard, who is not permitted to write directly, and with the greatest confidence of secrecy, to the king, if the previous communication of his observations to the president or the royal court should appear dangerous to him? But, this residence, so extolled by Raynal, who looked on it as applicable to the president only, is but a mere scare-crow. In no country in the world, perhaps, are persons in authority so despotic as in the Spanish colonies, and when we know with what rapidity some of them make fortunes, we cannot deny that there is no obstacle that the love of gain does not surmount, and that, as has been often said, the want of delicacy itself procures the means of expiating the fault which it causes to be committed. The public officers certainly recollect the residence, but it is to intimidate those whom they might fear, to gain their suffrages, or at least purchase their silence: in a word, there is a league between all persons in place, even because they are subjected to a censure, long degenerated into a vain formality. An angel from on high must descend to preside as judge at the residence of those who find the means of fattening in a country where every thing wears the aspect of misery, and heaven refuses this useful miracle to the Spanish territory, where the men in power sometimes act as if they were well convinced that the penal inquisition which awaits them, is no more, than a chimera that it would be childish to fear.

Let us here finish the picture of the administration of the Spanish colony, in which many persons will yet find much to wish for, but which it would have been

impossible to extend, without entering into particulars that would lead us too far. This picture, such as it is, will suffice, to give the reader a just idea of that administration, and enable him to conceive how even the nature of the means must often be a bar to the expected effects, because the passions of men have been left out of the account; and finally to prove, which I am particularly desirous should be attended to, that the administration of the French colonies has been framed, in many of its parts, after the model of the first settled colony in the New World.

But, the present situation of Spanish St. Domingo, which was the prototype of all the sugar and slave colonies, no longer allows it to claim its authority. Poverty and misery have taken possession of its fertile soil, and were it not for its relations with the colonies surrounding it, it would hardly exist: the most ancient establishment in America would, perhaps have been totally abandoned by the descendants of those who founded it.

The principal relation subsisting between the two colonies, that which is most advantageous to both, is the trade in cattle. To give a just idea of it, I must refer to what will, in some measure, be an anticipation of the description of the French part; but as I am going to treat of what is common to the two nations, this can be no inconvenience.

I have spoken of the rapidity with which the quadrupeds, transported from Spain to St. Domingo, multiplied in the island, and every thing related by the historians concerning the trade in hides, suffi-

ciently proves that the propagation of horned cattle was astonishingly rapide. They, besides, inform us, that great numbers of animals were become wild, and it is easy to imagine that the decay of the colony must have augmented the number, and that immense spaces becoming the quiet asylum of these animals, their multiplication must be beyond all idea.

It is, then, clear, that when the first French settled down at St. Domingo, the island was stocked with wild oxen and horses. The name of Bucannier is yet well enough known to make us remember that their only employment was that of hunting the oxen, their only subsistence, the flesh that hunting procured, and their only trade, the traffic in the skins of those animals.

These first French settled along the coast, whence they set out for the chace and whence they could, by sea, fly from the pursuit of the Spaniards, when not in a situation to resist. Besides, this situation was the only one that suited their trade, or that could, indeed, render it practicable. A spot of about a hundred, or a hundred and fifty, fathoms in extent, by two or three hundred deep, was sufficient for each, because a neighbour was then a companion for the chace and a comrade in war. But the very profit of the chace rendered it less easy, and as men destroyed faster than nature propagated, the animals felt a considerable diminution.

This, together with the hints of Ogeron, brought on the cultivation of tobacco, with which the colonists were disgusted by the vexations of monopolizing com-

panies. Population was advanced, the taste for the chase and its resource, were weakened, the French colony languished, till revived by the useful cultivation of the indigo. Every one wished to have negroes, and augment his lands; and it was at this epoch that one began to acquire the land of another to augment his own portion. Now, too, it was that grants were asked for, which formed what was called the second *story*; that is to say, a second line of tracts behind those which joined on to the coast.

The success of the indigo, the increase of the population and that of the number of negroes, produced by those carried away, in pretty considerable number, from Jamaica, when Ducasse attacked that island, gave the first notion of establishing sugar-plantations. These gave a new value to the lands, and requiring larger tracts than the indigo plantations, several small ones were united and became the property of one person. He who had sold his lot on the coast, carried his industry to the second, third or fourth line, and successively towards the interior parts of the colony.

Here, where I take a rapid sketch of the progress of the french colony down to the end of the seventeenth century, I must add, that a want of subsistence began to be felt. There were yet wild animals, but they fled back as man advanced, and the less were killed as the number of hunters daily decreased.

The chase was extremely destructive, because almost all the animals that the hunters came up with they killed, and this was another cause of the diminution of this resource.

Finally, as early as 1685, the French colonists were obliged to have recourse to the Spaniards, who, become herdsmen by necessity and by a sort of natural indolence, had hattes, the produce of which they brought into the French colony for sale. It was naturally conceived, that if raising cattle was beneficial to the Spaniards, it would be equally so to the French. Accordingly hattes were formed, and with the more eagerness as the Spaniards themselves destroyed the wild animals near the French part, in order to keep the hunters from among them. M^{rs}. de Saint-Laurent and Bégon, administrators-general of the French islands, being come to St. Domingo in 1684, had a good deal of influence in this measure; they even persuaded the hunters to send cattle to the windward islands, and there were actually some cargoes sent thither from St. Domingo.

The establishment of hattes began in the northern part, and, for even a long time there were none in the other parts. Mr. de Franquesnay, lieutenant of the king, gave, in 1685, the first example of a French hatte, on a tract which he possessed in the savana of Limonade, not far from the place where he was killed in a battle with the Spaniards, in the month of January 1691. M^{rs}. Robineau and Falaise, his neighbours, imitated him, as also many other planters, in 1686 and 1687. They bought their stock in the Spanish part, and paid for each cow and calf as high as twenty five dollars. The Spaniards already furnished the cattle consumed in the northern part, in small

quantity it is true, but this fact proves the penury of the French colony, or, to speak more correctly, the difficulty there was of turning the chace to good account.

All the hattes in the dependency of Limonade were destroyed at the time of the invasion of the ennemy, in 1691 and 1695; and if some of the cattle escaped, they fled to the woods.

After these disasters, and at the peace of Ryswick, sugar plantations began to be formed. In 1698 there were three in the northern part, the only one that then possessed any. Mr. de Charitte, the governor of the Cape, arrived there the same year, excited the colonists as much as possible to form hattes. It was in consequence of his pressing solicitations that Mr. Ducasse granted the ordinance of the 20th January 1700, which enjoins on all those who have obtained grants for hattes, to have on each at least a hundred head of cattle in the space of six months, on pain of forfeiture of the land. At the expiration of that term, the lands, on which the conditions had not been fulfilled were actually taken back. In the *raques* of Limonade, a good deal of this land was granted also at Caracol and Jaquezy, for the raising of cattle; and Mr. de Charitte himself formed a hatte at Jaquezy. The hattes became more and more numerous, as the land advanced from the sea, and extended even towards the banks of the Massacre; so that, in 1712, there were, between Limonade and that river, more than ten thousand head of cattle.

This success, which threatened the Spaniards with the

loss of an advantageous branch of trade, was the thing that most enraged them, when, those of St. Yago came to commit murders in the neighbourhood of the river Massacre, under the pretext of vengeance for the cattle that had been stolen from them. In spite of their inroads, however, there were more than fourteen thousand head of horned cattle in the extent just mentioned, and an ox was already sold for about three dollars; but the horses, whether for travelling or for mounting the militia, were almost generally furnished by the Spanish part. The Spanish brought also the mules for the sugar manufactures, where they are justly preferred to horses. In 1716 there were already a hundred manufactures, though there was not one in 1685; and the greatest part of the mills belonging to them were turned by cattle. A mule cost as high as forty dollars.

Thus the hattes which had been more numerous than the sugar plantations, since there was still forty of the first in the northern part before 1712, were soon inferior in number. The profits of cultivation, compared to those of raising cattle, were so much the greater, as the herdsmen considered the effects of their negligence or ignorance as so many inherent evils belonging to the establishment of hattes.

In this light it was that they looked upon the loss of a great part of their cattle which became wild, or *vagabond*, to use their own term, while, in reality, they ought to have imputed this to their having committed the care of their hattes to a number of negroes,

negroes, so much less sufficient to keep and assemble the cattle as they had not, like the Spanish herdsmen, horses to aid them in their pursuit. These *vagabond* cattle became the game of the hunters.

But, another circumstance had a fatal influence on the hattes of both nations ; I mean the management of slaughter-houses.

From the time that the colonists ceased to be scattered along the coast, and to find, for themselves, a source of subsistence in the chace ; as soon as distinct and parochial settlements were formed, there were places appointed for the sale of meat. Under the pretext, true or false, of securing their utility, the police, as it is called, of these places was regulated ; and a duty or obligation imposed, of furnishing what was necessary for consumption, became the object of a privilege. It is rare, that he who can refuse does not put a price on what he grants, and before the beginning of the present century, the privilege of the slaughter-houses, at first subjected to a public adjudication, became venal. I have proof, that before 1700, the slaughter-houses were become a little patrimony to the staff, I know not in virtue of what right, if not of that which we ought to blush at naming.

In 1702, the slaughter-houses at the Cape were farmed for five hundred dollars. Those of Leogane for the double of that sum, and those of Petit-Goave for one hundred and twenty. The governor of the colony took half the whole to himself, the governor of the Cape, the quarter part of that of the Cape

slaughter-houses, and in the other places this quarter went to the lieutenant of the king. After these the major took an eighth, and the remaining eight was divided between the sub-majors. The licence for taverns was also an income for the same persons, to whom these institutions owed their rise, institutions more worthy of the invention of under farmers of revenue than of military officers.

In 1704, the same tax existed, notwithstanding the providing of provisions was daily more difficult, and if, for a moment, St. Domingo had been capable of furnishing some cargoes of cattle, it was now but too clear that its resources were no longer equal to its wants. But an observation like this was not to be made by the staff officers themselves; and nobody would or dared do it.

While those who ought to have thought about nothing but the general interest, thus collected shameful and at once pitiful fees, the graziers themselves injured their establishments by keeping packs of dogs, which threatened to become as destructive as the same animals had been in the Spanish part. In 1704, Mr. Auger was obliged to issue two ordinances, one forbidding to keep dogs in the hattes, and the other forbidding the chace near the hattes, the cattle belonging to which were too often the victims of the imprudence, or of something less excusable, of the hunters.

In 1705, the farming of the slaughter-houses in the northern part brought in more than five hundred dollars, that of Leogane and the rest of the colony

still more, and in 1710, when an ordinance of the administrators renewed the prohibition of hunting in the vicinity of the hattes, and prescribed to the inhabitants living near them to fence in their possessions, that the propagation of cattle might be the better secured, the amount of the slaughter-houses was near two thousand dollars. In 1711, the intendant (for there had been one appointed since 1703) required, by an ordinance, eight French livres for each head of cattle killed in the slaughter-houses of Port-de-Paix.

In order to do without the help of the Spaniards, the hattes should have been multiplied; but to resist the Spaniards, the inhabitants must be multiplied, which did not agree with the system of the hattes, which necessarily supposes scattered habitations, and large tracts where there are only cattle. The hattes were nearly given up in the determination that was taken, when, by the ordinance of 21st June 1711, the administration granted for cultivation, all the land from Limonade to the river Rebouc. In truth, the savanas were reserved for the hattes, but this reservation showed plainly that they had not the preference, and I have said that then, the produce of a sugar or indigo plantation led no one to prefer to them that of a hatte. There was, indeed, an ordinance of the king in 1713, prescribing that cattle should be put on the hattes and menacing with forfeiture; but these were mere words, since, on taking these lands, they must be granted either for cultivation, which destroyed the

hatte, or for a hatte, which changed the proprietor only and not the opinion.

During this, the farm of the slaughter-houses continued still to augment by degrees, and, as if this disastrous tax was to be accompanied by the aid of all those whose duty should have rendered them the censurers of it, the two superior Councils of the colony, united in colonial assembly in 1715, reckoned among the articles which ought to compose the *octroi*, the tax on the slaughter-houses and licences on taverns valued together at the sum of two thousand dollars. It was believed, without doubt, that much was done in depriving the officers of the staff of this profit (which, however, the intendant had not dared to do attempt, though the minister had prescribed it to him the 14th April 1706), without considering, that a change in the application, a change that the same letter of the minister had also pointed out to Mr. Deslandes, produced no change in the onerous impost itself.

At the end of the same year 1715, the administrators took up all the lands of the hattes of Bayaha and Limbe, which were not established; but what serves to prove that the proprietors were not much punished thereby, the administrators were obliged to repeat the same, in 1717, on the grantees settled since 1715 on the same lands.

Besides, as there were some old grants of hattes, which bore that they should not stand but upon condition of cultivating some part of the land, if fit for

it, there were to be found colonists, who, themselves, pressed the taking up of their hattes and who appeared again, either by themselves or others, to interpose and receive the grants intended for cultivation.

Some formed miserable settlements of hattes, and actually sold the best part of their lands to their neighbours, who put it under cultivation. Others more bold, or better protected, publicly sold, what they had obtained gratis and for another purpose, or else they formed sham partnerships, the real object of which was to turn their land into culture. In short, things were in such a state in 1716, that all the slaughter-houses of the north were furnished by the Spaniards, and yet about three thousand head of cattle a year were consumed there. The only resource left in the French part was that of the Savana of Limonade, or rather of the portion which there formed a common.

The same inattention appeared in the western part. As early as 1703 the Spaniards alone furnished not only the slaughter-houses but the manufactures also. In vain Mr. de Galiffet, coming, in 1702, from the Cape to Leogane, and having admired the savanas of the Mirebalais, had endeavoured to cause hattes to be formed there; and even entered into partnership with an inhabitant of the place for the establishment of one, example and advice were thrown away.

The Spanish president, who was undoubtedly struck with the increase of the trade in cattle of the colony committed to his care, wished to cramp it, or, at least, render it lucrative to himself, in imposing a duty on such as were taken into the French part; but the

Spaniards near the frontiers, particularly those of St. Yago, rose in a sort of revolt. The movement was even so considerable, at the beginning of 1721, that the French governor thought it was owing to another cause, and calculated to hide views hostile to his territory. The count of Arquian, governor of the Cape, ordered an armed force to the frontier, and the president, to hide his avarice, pretended that the revolvers of St. Yago had an intention of delivering that town up to the French. The end of all this was, however, he was forced to renounce his projected tax.

But this dependence for a supply of cattle, had not hindered the revenue officers to exercise their genius on the farm of the slaughter-houses, as soon as it was subjected to it by means of the *octroi* of 1715. That for the Cape brought in seven hundred and fifty three dollars in 1720; in 1725, one thousand and twenty three dollars; and in 1728, it rose to seven thousand eight hundred and twenty dollars; that of the part of Leogane to twelve hundred; forming a sum, really enormous for that epoch, of more than nine thousand dollars, though since 1726 the sale of hogs was no longer included in the farm for the Cape.

The increase did not end here; in 1732 the farm produced, for all the colony, forty thousand French livres, and in 1734, it produced more than forty one thousand for the Cape only. The hatres followed the inverse progression. An ordinance by the chiefs, dated 15th December 1731, renewed the dispositions of 1st. December 1710 against the hunters as well as

against those whose hedges and fences in the neighbourhood of the hattes were not kept in repair. The evil still increasing, an other ordinance, of 13th December 1732, repeated what I have just recited, and of which this repetition itself was a sufficient proof of the inexecution. Something more was thought to be done by inserting in the latter, exemptions from reviews and corvees for the herdsmen.

Horned cattle were not alone wanted, a scarcity of mules also for the manufactures was severely felt. The dislike that the Spaniards of the island have ever shown to the breeding up of this animal, and the droughts which, since 1739, become still more and more sensible, forced the colonists to go for mules to the Spanish coast; that is to say, to the coast of the Spanish continent in the gulph of Mexico, in imitation of the windward islands, which experienced the same scarcity.

However, as if the farming of the slaughter-houses had been independent of all events, it ceased not to be augmented. I should already have said that, since the beginning of the century, it had been a rule to subject the farmers to an obligation of furnishing the necessary meat, as well for the consumption of the troops as for the long list of those called the privileged, on account of their employments, at a price at least a quarter part under that fixed on for the public. There were even some individuals of the staff, to whom a certainty quantity of meat, small indeed, was to be delivered gratis. Thus the people supported

the diminution in the price of what was delivered to the troops and the privileged persons, and besides this the tax of the farm and the profits of the farmer, which the latter always calculated in proportion to what he was obliged to have out; that is to say, the people supported an impost which increased rapidly, without any account being kept of the increase of this charge, and they had reserved for them, as a recompence for such a sacrifice, the right of going to market to take the refuse of those who paid less than themselves.

In 1740, the farm amounted to one hundred and forty seven thousand livres of the colonies, ninety thousand for the Cape only, thirty for Fort-Dauphin, and twenty seven for the part of Leogane. Every body applauded, at least every body in the happy catalogue of the privileged, a catalogue which, being drawn up so as to place every one of the elected persons according to his rank, served also as the ceremonial of the servants who went to the market, and for the butcher, who was well informed that each of them must be served according to the place his master occupied in the hierarchy.

Nevertheless, in the same year of 1740, the farmer of the slaughter-houses in the western-part, being incapable of fulfilling his engagements, and the supply of meat having ceased, it became absolutely necessary to permit, on the 11th August, every one indistinctly to furnish meat, with the little tax, however, of a dollar for each head of cattle killed; and the 16th of
September

september following he superseded his lease for the 15th march 1741, a time to which this farmer was to be obliged to supply the troops and town of Leogane only. But when this lease was to be renewed, the farm obtained a new suffrage, which since had a fatal effect.

The Marquis of Grandara-Réal, appointed president of the Spanish part, arrived at the Cape in 1741. Informed that the French raised, for their own profit, a tax on the consumption of the slaughter-houses, the supplies for which were drawn from the Spanish part, it appeared to him that this impost belonged, and much less illegitimately, to the treasure of the king of Spain. In order to find an excuse for giving it this direction, he held up the pretext of a drought which had continued for two or three years, and expressly prohibited, in the same year 1741, any supply of cattle to the French colony.

This prohibition produced a scarcity so much the more general as the drought had besides diminished the resources in the French part. They were, indeed, very inconsiderable, since a letter of the king, of the 19th of June 1741, to the administrators, prescribed the means, which at Versailles were looked upon as extreme, but absolutely necessary, of pronouncing the taking up of the lands of the unsettled hattes. It was, then, necessary to open a negotiation with the Spanish president, who lengthened it out for several months, and who at last, was good enough, by dint of supplication from the marquis of Larnage, to

grant the supply of two hundred head of cattle each month, to be divided between the northern and western part, with a promise to augment it with the increase of the cattle in the Spanish hattes. But the president added, in order to induce the court of Spain to authorize this *tcleration*, he thought it indispensable to lay a duty on the cattle supplied. This he fixed at five dollars a pair, making then twenty French livres. Not content with this, he required that no cattle should leave the Spanish colony, but by the agency of two Frenchmen named by the governor-general, one for the north and another for the west; and these agents were to bargain with commissaries named by the president.

These were hard conditions: they had, first, a very bad effect, that of changing into a diplomatic negociation in some sort, what had 'till then been, and which was still in reality, nothing more than a commercial operation. They evidently augmented the price of cattle by the amount of the tax, and made the chief of the Spanish colony doubly the master of the price, since he had the choice of commissaries for the sale, and the power of increasing the impost. Mr. de Larnage did not pretend that this treaty was not a shameful one; he thought, however, he had avoided the humiliation, in confining himself to the nomination of the agents, who of course must be the farmers of the slaughter-houses since there were such, and to leave them in the necessity of responsibility towards the president; but he was obliged to promise person-

ally to cause attention to be paid that there should be no cattle clandestinely brought in.

Thus it was that the French colony confessed publicly, that their negligence and a calculation at once avaricious and false, had reduced them to a dependence for an article of the very first necessity, and the public, long exposed to the monopoly of the farmers, were now, besides, subjected to the arbitrary will of the president. It seemed, that the Spaniards, to whom the sale of cattle was an only resource, were extremely generous to the French colony, and that the latter owed them a tribute for their pretended privations.

As if to add to so many crosses and contrarieties, and to the first errors of government, the ministry fell upon the administrators of the colony, reproaching them for the permissions they gave for the purpose of bringing horses and mules from the Spanish main, though these animals were necessary even to acquire wherewithal to pay the expences of the slaughter-houses, and though they were a great means for bringing to perfection those articles of produce which served to augment the riches of the nation. I am, however, far from pretending, that the complaints of commercial people with respect to the abuses that this commerce covered, were without foundation; but for once, it was suspected at Versailles that they were exaggerated, and in place of prohibiting a necessary means because there were inconveniences attending it, the court was content to watch over the contraband trade, which most certainly was not carried on by those

who wanted horses and mules for their manufactures.

The Spanish president kept up, in 1744, the ill will which he had manifested ; in this year, so much the more unfortunate for the French colonist as it was that in which the maggot, of which I have spoken relatively to the cattle in the Spanish part, began their ravages in the French territory. The president was continually complaining of the unfair bargains made as to the supply granted for the western part, and to quiet his suspicions and avoid his menaces, the French administrators appointed, the 20th July 1744, a commission to examine into the conduct of that agent and the partners of his widow since his death. In short, let any one judge of the trouble by the following fact : the farm of the slaughter-houses of the western part was adjudged for three years, the 4th November 1745, without any retribution, and in giving the farmer to hope for the hundred oxen *per* month which came to him according to the promise of the president, whose time of augmentation was not yet arrived, though more than three years had already passed since the promise was made.

Without doubt the augmentation at last took place, since, in 1750, the farm of the slaughter-houses of the North amounted to a hundred and twenty two thousand five hundred livres of the colonies, and those of the Cape only were adjudged on the 9th of December 1752, at eighty thousand livres. In the West, an epizootie had just destroyed the cattle at the Cul-de-Sac, and with them the hopes of a farm. The lease

of the three years, from 1755 to 1758, were again without profit, as well as that of the two years following its expiration; but I have a return that proves, that for the three years 1753, 1754, and 1755, there was, to the farmer of the Cape, a net profit of one hundred and ninety two thousand seven hundred and ten livres; which was almost equal to the amount of the eighty thousand livres which he paid annually for his farm.

Since 1741, the date of the letter of the king which I have cited, I find no more mention of hattes till the 28th December 1751, when an ordinance of the administrators grants an exemption from corvees, reviews and guards, to the majorals or proprietors of hattes, and this encouragement was given to no purpose. The threat of taking up the lands, contained in a letter of the minister of 8th September 1754, and renewed in that of 4th April 1760, had no more effect than the incitations of 22nd May 1762, in favour of a sort of establishment which has always be opposed by the superior profits attending cultivation, in a colony where the latter is even become fatal to the hattes, since the ravages of the cattle have augmented with the negroes employed in cultivation.

At last arrived the epoch of the family compact. It was according to the respective orders of the courts of France and Spain, that Mr. de Fontenelle, commandant of the artillery of the northern part, and Don Ignace-Caro de Oviedo, lieutenant colonel, and major of the Spanish part, chosen by the chiefs of the two colonies, made, at Santo-Domingo, the 21th

July 1762, a treaty which contains, in one of its four objects, the stipulation for a supply of cattle. We there find, in fourth the article: Seeing that the French stand in need of meat, the Spaniards will furnish them with it, as well for the present garrison as for the troops expected from Europe, during the war, and *without establishing a precedent for the future*, eight hundred heads of male cattle eachs month, and more, if the situation of the hattes will permit of it; of which six hundred for Cape François, taken from Daxabon, Saint-Raphael and other neighbouring places, and the remaining two hundred for the rest of the colony, taken from the frontier of Neybe and adjacent places.

The price of these cattle is fixed, by treaty at thirty five dollars *per* macorne, or pair, the cattle being three years old.

Such was the influence of the family compact and of the letter written by the *bailli* of Arriaga, minister of Spain, to the marquis of Azelor, the president, the 3rd October 1761, in which he tells him that the intention of his catholic majesty is, that the places and squadrons of the French, shall receive all possible succour in the war against the English, and that he permits cattle to be sent out of the colony untaxed, giving every liberty to the graziers, without any other precaution than that of not leaving the Spanish part unprovided.

The truth, however, is, that the tax of five dollars imposed by the marquis de la Grandara-Real, in 1741, was not taken off and the president d'Azelor,

thought he had changed the nature of it, in saying that it should be paid by the seller, a declaration covering the most profound insincerity, or the grossest ignorance of the most simple principles of commerce, according to which it is well known, that every tax on articles of the first necessity, must finally come from the consumer.

Towards the end of November 1762, Mr. Bertrand commissary of war, arrived at the Cape, sent by the king to execute severals commissions with the Spanish president, and particularly that respecting a supply of cattle. Aided in his mission by a letter from the bailli d'Arriaga, he went to Santo-Domingo in the month of January 1763. He endeavoured to increase the monthly supply of eight hundred heads of cattle to a thousand; but the president positively declared, by his letter of 23rd April following: 1°. that he would make no alteration in the original number, and even that it should not serve as a precedent either against him or his successors; 2°. that the price should be paid according to the value of the Spanish money in the Spanish colony, which then made a difference of twenty *per cent* in dollars; 3°. that the cattle should quit the colony at one of the three guards of Daxabon, St. Raphael and Cahobas (the Mahoganies) or Seybe; at all which places the *seller* should pay five dollars tax for each pair (because the French purchaser was ready to reimburse him); 4°. that the French governor should suppress the little slaughter-houses, especially in places where there were no troops, in order to diminish the consumption.

During these transactions the minister wrote to the administrators, the 27th August 1763, that it was necessary to oblige all the inhabitants to take a particular care of their hattes and swine yards, and the farmers of the slaughter-houses to collect stock in the lands which should be granted them in the mountains. The minister added, besides, that, to arrive at his desirable object, he had just requested from the court of Spain the permission of fetching cattle from the eastern part of Cuba. Another letter, of the 2nd of November following, says that the king of Spain has consented to favour as much as possible the purchase of cattle in the Spanish part, and has declared that, if the fears of smuggling prevented him from permitting cattle to be brought from Cuba, he would grant a supply from Porto-Rico. In consequence, the minister sent a schedule of the king of Spain for the president of Santo-Domingo, in order to prevail on him to favour the supply, and he afterwards asked for explanations as to what might be done with respect to the offers of a supply at Porto-Rico.

These new orders of the court of Madrid brought to the Cape Don Francisco Pepin Gonzalez, treasurer of Santo - Domingo, furnished with powers from the president d'Azamor, and, on the 22th of May 1764, he made a new treaty with the count of Ornano, a colonel of infantry, having powers from the count d'Estaing.

In this treaty it was agreed, that according to the schedules of the king of Spain, of the 3rd October 1761, and 23rd April 1762, and 27th October 1763, which

which permitted cattle to be sent from the colony to the French part, free and exempt from all imposition whatever, without exacting any extraordinary toll, and without any other precaution than that of not leaving the Spanish colony unprovided; that the French might freely purchase cattle by private bargain with the Spaniards, without any imposition on the sellers or buyers, except that which might be fixed on by his Catholic Majesty; that the taking up of the cattle, which could be done only by the way of Daxabon, St.-Raphaël and the Cahobas or Seybe, should be conducted only by drivers, bearing permits from the Spanish agents, under pain of confiscation and two years imprisonment.

This treaty produced an order from the president, the result of which was a publication made in the different commands, or districts of commandants, and especially in that of Daxabon, on the 6th December 1764. It announced to the Spaniards the liberty they had to sell their cattle to the French, in taking a permit from the commandant of the place, and in paying the royal duties; to wit; ten French livres for every ox or cow, three livres for every hog, dead or alive, and twenty for each beast of the horse or mule kind, *all under pain of death and confiscation of the property of every infractor.* There was too little agreement between this ordinance and the treaty of 22nd May preceding for Mr. d'Estaing not to remark it to the president d'Azelor, who answered only

that the duties should be deposited 'till orders from his court.

Let us return to the farm of slaughter-houses. The colonial assembly of June 1764, the only one of all those assemblies, in which there was a serious examination of several matters; that in which a magistrate (*), who has even been vexed for having been often in the right, has given true light on many principles of the colonial administration, shows, on its journals, very just strictures on the use of farming the slaughter-houses. But the necessity of completing a considerable impost for the first year following a disastrous war, the fear of making to sudden a charge in a thing of the first utility, were reasons for continuing the farm of the slaughter-houses for five years, the end of the new imposition, and its produce was reckoned at two hundred and thirty two thousand livres. It is well known, that this colonial assembly was put, by a powerful authority, on the ranks of things not yet arrived at perfection, and if some of its advice was taken with respect to the farm of the slaughter-houses, in the assembly which replaced it in form, it was in regard to the price, and not to the wish and plan of abolishing it.

The 11th december 1766, a new treaty was made

(*) Mr. Desmé Du-buiffon, a creole of St. Domingo, attorney-general of the Council of the Cape, died counsellor of the Parliament of Paris, and honorary counsellor of the two Councils of the colony.

between the president d'Azélor and Mr. de la Valtière, then major of the regiment of Foix, empowered by the prince of Rohan. The 5th article only relates to cattle, and is as follows :

„ Though the time fixed by the treaty of 1762, as
„ far as relates to horned cattle, is already expired ; to
„ give the prince of Rohan and the French nation, a
„ proof of the pleasure I take in being useful to them,
„ I agree for the present, and 'till the king my master
„ shall order otherwise (without establishing a prece-
„ dent, rule, or obligation, to the governors, my suc-
„ cessors), that the butchers or purveyors for the
„ French, shall come to the Spanish hattes, to buy
„ the horned cattle that they may want ; and as to
„ duties, no more than three dollars shall be paid for
„ each pair taken out, in lieu of five dollars, or one
„ dollar and a half, in lieu of two and a half, for
„ each head of cattle, supposing that they are in fitches
„ (salted and dried in the sun); and that whatever
„ dealer in the said cattle who shall be found to drive,
„ or cause to be driven, without a pass-port from the
„ governor or commandant of some of the posts on
„ the frontier by which the cattle is to pass, shall be
„ stopped, and his herds confiscated. „

The 25th March 1769, the same president d'Azélor, who has been in that post 13 years, and who seemed, notwithstanding his professions of attachment, to think about nothing but rendering a supply of cattle to the French part difficult, made a regulation by which no cattle could be taken out in future except

in virtue of a permit coming directly from himself, and not from the officers of the frontiers whom he forbade to give any more. To obtain this permit, he ordered the Justices to draw up annual returns of all the hattes in their jurisdiction, so as to make the proprietors known, the quantity of their cattle, the portion necessary for the consumption of the place, that of the contingent to be furnished to the slaughter-houses of the capital, and that which ought to be preserved for propagation, so that he might be certain not to permit more than the surplus to be sent to the French colony. To these permits which were to indicate the proprietor, the mark, the driver and the number of cattle, must be annexed the acquittance of the tax of five dollars a pair, paid in to the royal officers, and when the cattle were gone, the permits were to be re-delivered to the Justices of the place whence they had been taken. Confiscation was the penalty for every kind of infraction, and the Justices declared responsible for the execution of the prohibition against killing heifers, and subjected to an account of this part of their functions at the visits and the residences.

These shackles, joined to other motives, induced Mr. de Vincent to make a journey to S. Domingo, to the president d'Azélor, with whom he made a new treaty on the 4th June 1770; but the replacing of this president by Mr. de Solano, in 1772, created many other difficulties, the cause of which we must to speak of.

Never was a power so jealous as Spain of the pre-

servation of its own commerce, and I have shown, that there never was one that carried its precautions against foreign commerce in its colonies to such a length. Almost as soon as America was discovered, Spain began to confine the commerce of it to one only spot, and this was the primary motive of the establishment of the chamber of contraction of Seville, because it was this city that obtained this immense advantage. But nature having placed an insurmountable bar to the exercise of this privilege, in hindering large ships from ascending the Guadalquivir as far as Seville, Cadix profited by its spoils, and became the centre of the commerce of the Spanish Indies.

In order to assure the prohibition of these latter from the interposition of foreigners, the ships for the colonies sailed at stated times, and by the means of fleets or galleons, in which a watchfulness, characteristic of the nation, rendered all kind of fraud nearly impossible, seeing the difficulty there was of escaping it, as also the severity of the penalties. Things continued thus till 1739, when the fleets were replaced by register ships, taking their name from the necessity of declaring and entering on a register, all they take in and unlade, and because their officers are chosen by agents of the crown,

- This manner of providing the colonies with necessities, and of bringing their produce to the mother-country, was common to St. Domingo with the others, as long as it had any commerce; but when it fell into decay, it was rare, and as by chance that a register-

ship came there, and even then made but short stay, without taking in or disembarking any thing; so that, had it not been for foreign aid, the colonists would have perished in want. From the French part in particular the Spanish colony received the greatest quantity of necessaries, and the supply of cattle was a means of exchange always sure, and bottomed on mutual convenience. The court of Spain, wishing in some sort to revive St. Domingo, fell on the means the least calculated for the end proposed, that of creating, in 1755, a company, which took sometimes the name of the city where the merchants composing it resided, and sometimes that of the province in which that city is situated; hence its was called, the *Company of Barcelona*, or the *Company of Catalonia*. But the privilege was itself subjected to so many difficulties, that St. Domingo and the other places included in it, received no kind of help from the company.

The 16th October 1765, a decree adopting juster measures, but entirely new to Spain, permitted several ports of the kingdom to trade to the colonies; but that of St. Domingo was so weak, that it derive no advantage from this concession. It continued to languish, when, in 1771, the count of Solano, then captain-general of Carraca, was removed to the presidency of Santo-Domingo. He quitted a colony where a company exercised the most odious monopoly, and arriving in another, he found before him the agents of the company of Catalonia, who where there for the

purpose of collecting information. As a governor extremely anxious to promote the interest of the mother-country, he made these agents promise to send six ships annually into the colony, and engaged on his part, to secure to them all the advantages of its commerce. - There was but one means existing, and that was to hinder the Spaniards from exchanging (as they had done for near a century,) in the French part, the produce of their cattle for European merchandises, such as linens, stuffs, wine, flour, silks, hats, and other useful articles, whether of subsistence or wearing apparel; and the count de Solano, resolved on employing this means. In consequence, he published, in January 1772, an ordinance forbidding any Spaniard, on pain of imprisonment, to conduct cattle to the French part, and to bring merchandises thence. He obliged the colonists to obtain from him a permit to sell these cattle at all, which was to be done in the colony, where the buyer was to bring money only in exchange.

This first effect of this measure was a scarcity in the French slaughter-houses, and a scarcity so much the more severely felt as a considerable drought had already rendered meat extremely dear. However, even this drought itself produced a momentary relief, though eventually very costly to the colony, as it forced the proprietors of manufactures to sell many of their cattle. The consumption of fresh meat was reduced by more than one half. All these circumstances led certain of the Spaniards to carry on a contraband

traffic in cattle; but multiplied confiscation and the watchfulness of the president, together with his precaution in obstructing and stopping up divers cross roads, only served to add to the miserable condition of the Spaniards, who loudly cursed the company of Catalonia. Not that the count of Solano judged it necessary to cut off their sale of cattle, without which they could not have existed; but he wished to deprive the French of the profits of this sale, which amounted to two hundred thousand French *livres per* month. The Spaniards who sold nothing, could carry on no commerce with the company; so that, the latter did not find cause of congratulating itself, even on the severity of which it was the cause.

This mutual distress, still augmented by an afflicting *epizootie*, lasted for several months. It brought forth an ordinance dated the 12th march 1772, increasing the price of meat two *sous per* pound, in all the jurisdiction of Port-au-Prince; another of 10th May, granting to the farmer-general of the slaughter-houses of the west, the exclusive privilege of purchasing the cattle that he could get out of the Spanish part, and a third of 16th June 1772, for the importation of several cargoes of oxen from north America, in ports which were not forbidden, till the *hattes* could be re-established. It is remarkable that even at this time, the farm of the slaughter-houses amounted annually to two hundred and thirty two thousand *livres*. However, it was necessary to consent, the 16th July 1772, to recede from the lease of the farmer-general in the dependence

dependence of the Cape at least for that city, save the supply for the troops and the hospital and to permit any one to furnish meat that would. But, the 22d August after, the slaughter-houses of the Cape again became the object of an exclusive privilege, though without profit, because the Spanish president had consented to give permits.

Thus by blindness, or rather by a culpable obstinacy, those at the head would not perceive that the fatal consequences of this farm had ruined every thing. In fact, when the supplies were free on the part of the Spaniards, and the French hattes still subsisted, the farmers, who might have an extensive choice, as well of the cattle which should have been sold at a moderate in preference to an enormous price, as of the hattes where a competition with the Spaniards should have been kept up, made very great profits. Nothing more was wanted to awaken the avarice of speculators, and the price of the farm was seen to rise rapidly.

To make it of the same value and productive of the same profits as those of their predecessors, the new farmers thought it prudent to employ a new kind of industry and to send intelligent persons into the Spanish part to make the purchases. This calculation was not a false one; but the success of it made the Spanish president take care that their purchases should not be very considerable, without choice and without measure, and which might entirely strip the hattes of their stock: hence the first impediments. The farmers who would not purchase under this im-

pediments, then turned their eyes on the small remains of the French hattes; but to leave them without cattle was the work of an instant; because the high price of cattle led the graziers to sell all that were saleable, and an application then became more necessary than ever. The information given to the Spanish president had not been forgotten, and the eagerness with which cattle were sought after was not unperceived. Hence the duties, the prohibitions and all the shackles with which this supply has been attended; while the French government, which without doubt esteemed the impost more than the want of provisions, seemed to act as if one of these had no sort of influence on the other.

The sufferings of 1772 induced the court of Versailles to complain to that of Madrid of the extreme rigour of the count of Solano; but the latter, always uniform in its answers, said that it wanted information as to the facts, and that in the mean time, it would give orders for the supply to take place according to the convention of 1766. Whether these orders were conditional, or whether the measures adopted by the president appeared decisive, he changed none of his regulations, and the French colony was obliged to bend to this new yoke.

In the month of April 1775, there could be found no bidders for the farm of the slaughter-houses of the Cape, superseded by the ordinance of 1st March; and in spite of the warmth with which the intendant maintained what he called a branch of the king's re-

venue, and which he reproached the officers of the interior court (*sénéchaussée*) of the Cape (and that in very hard terms) with wishing to suppress, it became necessary to leave it to the exercise of every one who thought proper to undertake it. However, the 10th August the same year, there was a farmer bold enough to give seventy thousand livres a year for the general-farm of the slaughter-houses of the northern part.

One ought naturally to have hoped that this epoch of 1775, when the grand affair of the limits between the two colonies was to be terminated, would produce a convention between the two courts, in which, allowing the mutual benefit and necessity by selling and buying cattle, some means would be taken to render the advantages, if not equal, at least sensible enough on the side of the French to secure to them in future a certainty of provisions. I have said, in the account of the limits, how this important object was at once settled, and that of the getting of cattle ought still to appear of less consequence. Mention was made, in the treaty *sub sperati* of 29th February 1776, and in the definitive one of the 3rd June 1777, by an article running thus.

„ Cattle shall be permitted to be taken from the
 „ Spanish part, for the subsistence of the troops and
 „ colonists of his most christian majesty, in the man-
 „ ner the most convenient to the Spanish government,
 „ and the least burthenfome to the French; in con-
 „ sequence the governor commandant-general of the
 „ Spanish part will deliver pass-ports necessary for

„ this trade, as well to those who conduct the slaughter-houses, as to such of the Spaniards as shall request them. „

In place of recollecting that some portions of land which the settlement of the boundaries brought to the French territory, might have been employed in raising cattle, all possible attention was preserved to the farm of the slaughter-houses. Those to whose care they were left, had even raised the farm of those of the west to two hundred thousand livres, and on the complaint of several members of the colonial assembly, formed at Port-au-Prince in the month of April 1776, that it was called in and adjudged at eighty thousand livres only.

The 4th Oct. 1777, the count of Solano wrote to Mr. d'Argout, the governor-general, that the king of Spain consented to permit, at that time, the French to go and purchase cattle of the Spaniards, and either of them to conduct such cattle to the place for which they should be intended, provided that the purchasers should be accompanied as far as the frontiers with the sellers, having the permission of the president, in order not to be treated as smugglers.

The declaration of war of 1778, soon followed by new inconveniences and another scarcity in the slaughter-houses of the Cape, in 1779. But this war did not hinder the farm of the slaughter-houses of Port-au-Prince to amount, in February 1779, to one hundred and eleven thousand and five hundred livres, exciting in that quarter the loudest discontents. The number of

consumers being augmented in 1780, by the military, the inconveniences of coming at the cattle became more sensible; and as the Spanish government had given an exclusive permission to a Frenchman to fetch cattle from the five principal places in the neighbourhood of the French territory, he thought to make an advantageous trade of it for himself, and to change the farmers into second-hand purchasers. Things were in such a way, that, at Port-au-Prince, at St. Mark and the Mole, there were none but accidental or *maroon* slaughter-houses, in consequence of the forced receding of the leases. The manœuvre of a privileged man and the augmentation of troops made the administrators resolve to send, in 1781, Mr. de la Riviere, a commissary of the navy, to Mr. de Peralta, who had been president since 1779, to secure the supplies for the subsistence of the soldiers, who were, in some sort, in common to the two nations, since the regiments of Touraine and Enghien were intended to guard the Spanish part; and that of Enghien kept garrison at Santo-Domingo, from the end of 1780 to 1781.

This powerful consideration, however, had no great weight; for, though, in 1781, the farmers of the north had taken the slaughter-houses without any price on the farm, the lease was obliged to be superseded in May 1782, on account of their losses, to receive the submission of another farmer with conditions that plainly indicated the embarrassment attending this part of the public service, and to promise the privilege during five years gratuitously. In spite of this, in the

month of July, they were obliged to raise the price of meat three sous *per* pound, in the month of October to grant a general permission to kill and sell, and in the month of December to make a particular treaty for the Cape, Fort-Dauphin and Ouanaminthe, on the footing of twenty two sous six deniers for a pound of beef. The motive of supplying the French troops having ceased, on the part of the Spaniards, at the peace of 1783, the difficulties did not cease. They were such that, at the auction of the farm of the slaughter-houses, in the month of October of the same year there appeared no bidders. After that time it was necessary to make successive allowances to the farmers, suppress even all exclusive privileges in a great number of places, that meat might be brought in, and in short, such was the disorder, that Messrs de la Luzerne and de Marbois, convinced that the farm of the slaughter-houses, and the exclusion that was the necessary consequence of it, had the most fatal influence on the provisioning of the colony, plied the minister with the requests, made as early as 1776 by Messrs. d'Ennery and de Vaivre, at the solicitation of the members of the two Councils of the colony, in particular conferences held at the epoch of the colonial assembly of the same year, when these Councils proposed to replace the produce of the farm by a tax on taverns, gaming tables and coffee-houses.

Messrs. d'Ennery and de Vaivre had kept their promise in this respect, since the king authorized them, by a letter of the minister of the 21st June

1776, to suppress the farm of the slaughter-houses, and in its stead to affix an imposition of two hundred thousand livres on the taverns, billiard-tables, coffee-houses, and other things which might appear to them susceptible of taxation. But this conversion would have required the concurrence of a colonial assembly, and there has been none since that of 1776. Messrs. de la Luzerne and de Marbois pressed the liberty of supply, without which the evil would become incurable. What they said was nothing new, but this truth would have been rejected like a thousand others, if not supported by the following: that the rate of the imposition of the colony was surpassed, even without including the farm of the slaughter-houses; that the treasure of the colony had a reserved fund, and that the dearth of the farm was nothing but a lure, since it brought on that of the allowances to the hospitals and the support of the troops and others under the king.

At last, on the 17th of August 1787, though ninety years too late, appeared an ordinance, at once a subject of praise for the minister and for the administrators, by which the farm of the slaughter-houses was suppressed, counting from the first day of the following September save that a prolongation might take place to the 1st of January 1788, without retribution, as an indemnity for such of the farmers who should have a right to it. There were fourteen principal places of the colony excepted from the general competition for any one who would sell meat, where the number of butchers was fixed, all of whom are obliged to obtain

permissions from the officers of police. It was ordered as a general regulation, that the price of meat should be taxed, monthly, by the same officers; and no one should pretend to have a preference in the purchase of meat at the markets, and that in the fourteen excepted places, he who wished to cease his trade as butcher should be obliged to make a declaration to that effect to the register, two months before hand.

Thus ended a monopoly that Mr. Ducasse pretended to establish at the request of the inhabitants, that its produce might be, with that of the taverns, applied to the opening and repairing of roads; a monopoly so much the more odious, as all the authorities maintained it. The privileged persons, almost sure not to want meat, had not always much solicitude for the rest of the people, and the government never looked at any thing in this farm but its amount. Since the promulgation of the ordinance of 1787, industry has showed itself in every quarter; the French colonists no longer meeting with the disdain of the farmer for the cattle their country produces, have taken care of this branch of profit. The provisioning of the colony is become less difficult, because the avarice attending it is become less, and the competition general. The Spaniards themselves no longer having the agents of the farm to deal with, have been less sure to sell at a certain price, and therefore fear that there are less buyers. These latter, no longer reckoning on a sale price fixed, and the benefit of the farm, have penetrated further into the Spanish part to seek cattle

on

on the best stocked hattes. Obliged for the tax of each month to shew their acquittances and their means, they have ever been afraid that some more intelligent persons than themselves would be appointed in their stead, or would injure them by an inferior tax; in a word, all the effects that liberty produces, have united, to diminish at least, the evils of a farm of the slaughter-houses; evils of which many are irreparable, especially that of the augmentation of the value of cattle, as this augmentation is of no kind of benefit but for strangers. Such has been the success of the suppression of this farm, that in the month of July 1789, it was inserted in the French gazette, at the request of the Spanish government, that the president had permitted all and any of the Spaniards to sell cattle into the French part, without permission and without privilege.

The supply of horned cattle to the French part cannot be estimated at less than fifteen thousand head annually, of which the Spaniards furnish four fifths. These at thirty dollars a head including the bringing of them by the Spaniards; make a total of four hundred & fifty thousand dollars (more than three millions of the colonies or two millions of French livres) which is the true standard of the trade between the two colonies; since, if the Spaniards bring in salt or smoked meat, sacks made of finewy plants or hides, and if they bring also some mules, horses, and a little tobacco, these last coming only as contraband, are sold cheaper, which makes up for what must

be deducted from the thirty dollars which I have allowed for each head of cattle brought in clandestinely.

The three millions of livres that the Spaniards thus receive from the French, form three quarters of the produce of their colony; for we cannot reckon at more than a million the product of their culture, and the sale of the hides of the cattle they consume among themselves and yet these four millions pay annually four hundred thousand livres to the revenue, an impost of ten *per centum*, enormous indeed, if compared to that of the French colonies. It is ever to be remembered that their existence depends on their relations with the French, and the means of these relations they owe to their hattes.

But this sort of establishment itself requires reformation and care, if the Spaniards do not wish to see this source of their riches diminish, or, perhaps, totally dry up.

The first precaution to be taken, would be that of circumscribing the hattes, so as to diminish the number of the wild or vagabond cattle, and to render the treatment of such as are sick more commodious.

It is easy to conceive that the cattle that are rarely seen, because they may fly far from man to the sight of whom nothing accustoms them, must fail of care, and that this care is neglected precisely because it is attended with trouble. There would, then, be a real advantage in having hattes, the lands of which should be more proportioned to their utility. The

preservation of the cattle and their more numerous propagation must be the necessary consequences of such a regulation, and in adopting a system for bettering the hattes, the breed of the cattle would be bettered at the same time, because it would then be possible to make judicious choices in the breeding stock. The feeble ones would be rejected in the calculation of propagation, and the sicknesses among cattle, which become every day more common and more formidable, might be combatted with success.

It is impossible to avoid astonishment, when we know that, notwithstanding its vast extent, almost entirely devoted to the raising of cattle, the Spanish colony is far from being in a state to answer the wants, continually augmenting in the French colony. There would, however, be a real advantage to both in furnishing and receiving cattle, which, being natives of the same soil, would be disposed, from that circumstance alone, to become accustomed to the climate, when sent into the French part. But carelessness and vicious habits have opposed immovable obstacles to the means of pleasure and profit.

Horses, in particular are wanting in the French part, which is obliged to send for them to North America. These are almost always big, heavy, and rarely well made, very little fit for the long journeys, when such must be performed, in the mountainous parts; difficult enough to feed, and much more difficult to accustom to the climate. It is extremely rare to see at Saint-Domingo a horse from the United States

which is not hard mouthed; they are almost all so, and very difficult to direct without those sort of movements which very much fatigue the horseman. It is from them that the island has received the glanders and the strangles; at least these two disorders were never known in the island before their importation.

If the French receive some horses from the Spanish part, they may be called *wild*, and if they have been broken, it is in a manner calculated to add to their wildness.

There are, nevertheless, horse-breakers in both the colonies, almost always mulattoes, who have had no other instruction than that of their own taste. Mere hazard sometimes gives them talents, and the fondness of mulattoes for horses soon discovers the aptness they have for all sorts of exercise; but, for one that arrives at perfection as a groom, there are a thousand good for nothing but spoiling the horses committed to their care.

Generally a Spanish creole, or some negro, tries to break the horses.

This first trial is curious enough. To saddle the horse, a halter with a slip knot is thrown, from a distance of twenty or five and twenty feet, round his neck. The other cords with slip knots are thrown under his feet, till the moment offers for catching one of his hinder legs. Thus caught, the end of the halter is fastened to a post, to which the horse is then to be brought; he flings about, but being drawn by the leg, the fear of falling obliges him to advance. When

arrived at the post, his head and leg are both raised at once, he plunges about, and several persons throw themselves on him to keep him down. In this posture he is saddled, and tied so that one hinder leg is fastened to the fore one on the other side, whence the cord continues on to the noose round the neck. During this operation, which the horse endures with all possible signs of impatience, another horse, already broken, is brought, and, with or without saddle, is placed, by way of exemple, before the other. The horse is now made to rise. He makes every effort to disembarass himself, but without effect, unless the cords break, or he should hurt himself, in which case a better opportunity must be waited for.

The jockey is armed with a stout, knobbed whip handle. He watches the moment to mount, and does not use the stirrups. Then the other horse and rider take the lead, and thus begins this equestrian education.

It is easy to perceive, that the efforts and resistance of the horse, always proportioned to his strength, wildness and spirit, must necessarily lead him to endeavour to throw his rider. But if he attempts to kick or fling, the cord which joins the two legs completely hinder him. If he wants to toss his head, the noose pinches his neck. While he is making these useless efforts, the rider (particularly if a negro) belabours him with his whip handle; often even others, armed with long poles, pay away upon his hinder parts; one only turn is left for him, and this is the most dange-

rous to the jockey, who cares but little for is kicking, an rearing, that is, to fall down on one side. Accordingly, the rider watches this intention, and as soon as perceivesi , umps off; then he mounts again, swears, and lays about him. In short, unless the horse be one of those stubborn few which resist to their last breath, he is broken and the jockey has the self-complaisance to attribute to his skill, what has been effected by fatigue, hard blows and pain.

Here we see the true cause of an evil, almost general, in the two colonies, because this custom is common to both, which is, that the horses have dangerous faults: they are restive, startish, shy and fearful; they are almost all subject to some fault that renders the rider uneasy. It is real subject of regret, that they are not better attended to. In general they are remarkably sure-footed, and this is no trifling quality in a country where the roads in the mountains are sometimes no more than paths along the edge of a precipice.

The hattes have many other vices in their depopulating regimen. The number of mares is by no means proportioned to that of the stallions, and sometimes the latter are left without choice, and employed too young. The mares are never quiet, not being separated from the studs when with fold. When quite heavy, even in the last month, they remain exposed to the kicks of the other horses, and it too often happens; that accidents of this kind kill both the fold and the mare. Very often they fold in some distant and unperceived spot, and the colt perishes.

The colts are broken too young, and their weaning is not attended to.

The cutting of the male colts is frequent enough in the Spanish part. This operation again is performed in too hasty a manner. It is very dangerous, and particularly in the wet season, and because it is erroneously believed that any one may perform it. This formerly killed many colts; but this evil is not so predominant, since the business has been practised by people of colour, who are extremely dexterous and safe in the exercise of it.

The Spanish colonists sell an ordinary horse for forty or fifty dollars, and of these two thousand might be brought annually into the French part. In place of which they leave the French to the insufficient supply of the Americans, whose horses cost from fifty to eighty dollars a piece.

The Spaniards show the same indifference with respect to mules, of which their neighbours have still much more need. When the French settlements were in their infancy, the Spaniards supplied them in this way; but, as the failing of the French hattes reduced them to a want of horned cattle, the Spaniards turned all their attention to the raising of the latter. The Spaniards have, indeed, some mules, but in small number.

They are of a less size than those brought from the coasts of the gulph of Mexico, and this is a great disadvantage, when they are wanted for draft, in the French part. They are wild and vicious, like the horse

of the same parts, because they are brought up together and broken in the very same manner, except that the breaker is less sparing of his strokes to the mules.

The negligence in raising horses may be equally applied to the mules. If the former have their faults, the latter have them all in a still higher degree. Their obstinacy, which is become proverbial, is every where remarkable, and particularly at St. Domingo. We should believe it unsurmountable, did we not see the most obstinate of these animals reduced to perfect suppleness by the negroes.

Though mules are easier fed than horses and oxen, and suffer less from the droughts, the raising of them is generally more difficult. Their young ones are more delicate than colts, and very apt to die before the third year. The teek (*), an insect at first white and afterwards of a dirty grey, which fastens itself to the skin of the cattle, particularly under the joints and behind the ear, where it swells itself with their blood, torments the young mules with a violent itching, which is followed by the mange. These are other reasons why the Spanish colonists, care but little about raising them.

They are not, like the graziers of the Spanish main, ambitious of having nags of a fine sort that these latter go to buy, at the price of even five hundred dollars, in the little island of Arouba. Thus the French colony which stands in need, annually, of

(*) Accarus.

about five thousand mules, the average price of which may be a hundred dollars, offers this source of riches to its neighbours, who prefer leaving it to the inhabitants of the gulph of Mexico, though the latter do not draw so clear a profit from it, nor the French so much utility from the necessity of climating the mules after having undergone the fatigue and inconvenience of a sea passage, always hurtful to them; and this circumstance has so much weight, that, after all, a mule from the Spanish part will sell for more than one from the continent. Formerly, some were brought from Georgia, one of the United States of America, which, indeed, succeeded very well; but they were too dear.

The Spaniards of St. Domingo leave asses also to be supplied in the same manner. These animals are employed in many places of the French colony for light carriage; for instance, carrying linen to the washing places, when at a small distance from town, as at Port-au-Prince. Asses succeed very well in the Spanish part, where there were some wild, even in great herds, in 1698. The Spaniards, however, send some of them, particularly for nags, called at St. Domingo *bours*, from *burro*, with this circumstance, that those kept for covering mares are called *bours-equiors*. A certain number of asses might be sold to advantage, because the price, which is generally fifteen or twenty dollars, increases the number of buyers; and because, round the towns, one or many asses, led by a single negroe, himself loaded, would render carriage to market very cheap, as besides the ass costs but little keeping,

But it is for the horned cattle that the Spaniards want a new plan. We have seen what an infinite number of these are lost to them, without yielding to any other an advantage worth mentioning. With more circumscribed hattes, they might profit from the inclination cattle ever have to herd together, ; and by governing the leader of a herd they might be masters of the whole. There is something so singular respecting these leaders, that I must request the reader to permit me a remark or two on them.

The leader keeps from the herd, with incredible vigilance, all such young ones as approach two years and a half old.

An other observation, which I shall, however, but repeat, is that in several herds, there are seen of these male leaders, which absolutely refuse the young females of their own getting, and which even force them to quit the herd, to which they return quietly after a year's separation; but not sooner.

The leaders of different herds take particular care to avoid each other, and great attention ought to be paid, to prevent the jack-asses from injuring the stallions, especially when jealous of each other, because, then, the former almost always succeed in strangling the latter. It is a curious fact, that when two jack-asses meet, if one is in the custom of covering mares, he is almost always strangled by that which has kept to his own species.

But the most striking circumstance is, that which is observed in the herds of horned cattle, and which

holds through the savanas of several habitations, where one bull assumes the empire, as does the leading bull of a herd. (*)

This bull reigns over all the herd and drives away every beast that gives umbrage to him. At his look the other bulls, grown up in the herd, retire. The cows reserve their favours for him, or, at least if they wish to commit an act of infidelity, without exposing the favored lover, they are obliged to avoid his sultanic presence. This despot of the seraglio has no law but his will, and that will is an exclusive enjoyment; nature, however, raises him up enemies to dispute his empire.

As soon as the age of desire arrives, as soon love, that tumultuous passion, begins to warm the heart of the young bull, his courage awakens, and he begins to mutiny against that sort of servitude in which he has been held by the king of the herd. First he dares to stand in his way, and seems to remove unwillingly at his approach; next he retires in broken murmurs; at last the day arrives, when, full of rage, he presents him the menacing points with which his front is armed. This excess of impudence inflames the old chief; he darts, half mad, on the daring rebel. Accustomed to the combat, proud of his domination, he utters a roar that strikes terror through the whole herd, which terrified and immoveable, fix their regards

(*) I have observed this fact in Martinico also, with respect to the leading bull, there called *Master of the Savana*.

on the combattants, and seem to wait the decision.

In this struggle, generally unequal, the young bull more impatient than adroit, spends his strength in vain efforts, and is soon obliged to avoid, by flight, the death that would consummate his punishment. The vanquisher disdains to follow him, proud of having thus reinforced his authority, he contents himself with keeping the vanquished at a distance, and declaring by his proud deportment, that he is worthy of his rank. It even seems that the herd affect to renew their homage, and express their satisfaction at his triumph. Sometimes, however, such an event causes the formation of a new herd ; some of the cattle follow the fortunes of the defeated youngster, and adopt him for their chief.

If the bull abused by his courage, continues in the herd, he entertains a hatred, continually exercised by a stronger passion ; he tries his strength against other bulls of the herd, and in those plays, resembling fights, he finds out the measure of his powers ; he learns to employ them, and when he can no longer endure the recollection of his defeat, he again braves the author of his disgrace and seeks for vengeance.

Who can describe the strokes exchanged by these two rivals in absolute power ! The hills and valleys ring with their roars. From the clashing noise of their horns one may judge of the impetuosity of their attacks. A hundred times each is deceived with the prospect of victory. They boil and foam with heat and rage. Sometimes wrestling with their heads, they

drive and twist each other this way and that, 'till an uneven spot, a false step or vengeful impatience, obliges one, or the other, or both, to draw back: sometimes darting on each other, each seems to aim his deadly points at the bowels of his adversary. But the fatal moment is arrived. Years have betrayed the hope of the fine old chief, who thought his empire durable as his existence. The ardour of youth seconds the prowess and vengeance of the ennemy, and victory decides in his favour. Dreadful vicissitude ! The mighty tyrant, sole object of regard and obedience, at whose stamp, at whose very look the herd trembled but a moment before, now shrinks from the blows of one of his subjects ; descends to cunning shifts to avoid the fight ; draws back, and flies ! Already is he in the middle of the herd, seeking to hide his dishonour and impotent rancour.

While he is thus hurled from his power and his rule, his youthful successor receives the adulations of the versatile and fawning herd. The haughty vanquisher boiling with rage, that breaks through the joy of his success, raises aloft his angry front, as if to seek for the defeated champion, and forbid him his presence for ever. Every thing seems to foretell that one tyrant has been changed for another.

Let us leave him to enjoy his triumph, and to the exercise of that jealous tyranny that will raise him too, enemies to humble him in his turn, while we look for his fallen predecessor.

He creeps away to those spots where he may hope

to avoid the disdainful regards of his insulting foe. Here he mopes; the cutting remembrance of his happy days redoubles his anguish; he pines and withers away to nothing. His once-glowing eye, sinks, fades and grows dim; it is the seat of sadness and despair, and seems to call for the hand of death to close it for ever. Useful and laborious animal! why has nature given to thee, as to man, the fatal faculty of remembering the past, and of feeling those sorrows which are the harbingers of death!

The oxen of the Spanish part are small, like those of the other Antilles. They have a remarkable vivacity, of which the creoles make use sometimes, in employing the bulls in that sport which bears the name of the animal. A pair of these oxen do not, in general weigh more than six or seven hundred weight, and the custom of selling them too young hurts their perfectioning, at the same time that it prevents the French markets from having succulent meat.

To the care of correcting the abuse of a disproportionate extent of the hattes, which arrests the multiplication and often renders it useless; to the loss of the calculation which leads to a belief that it is advantageous to sell cattle that have not attained the proper age and growth; they ought still to add, an examination of the vices crept into the forms adopted to settle the tribute the graziers owe to the slaughter-houses of Santo-Domingo, and the resolution of endeavouring to destroy the plants which spoil the pasture, and which threaten to overrun it altogether, to the evident annihilation of the cattle.

There is another inconvenience growing out of the excess of precaution; the fault of proportion between the oxen and cows. As the sending away the latter is almost generally forbidden, a number of bulls, especially in the war of 1778, were supplied, and there remained a great many cows which from this evident cause became barren.

It is very astonishing that the Spanish government has not adopted in this colony the wise regimen of *la Mesta*, an establishment formed in Spain for every thing concerning flocks and herds, and which the laws of the Indies hold up for imitation. According to these latter, there should be one or two *alcades* of *Mesta*, elected by the municipal body and every proprietor of three hundred head of cattle, should be a fellow of the *Mesta*. There should be two assemblies annually, in the month of January and July, at which five fellows, at least, should be present, and in which examination should take place of all concerning the multiplication of cattle and the mending of the breed; where strayed cattle should be conducted and claimed; and, in a word, where an object so important should be specially examined, and submitted to a greater collection of understanding and experience. From these assemblies would necessarily result salutary advices, a mutual communication of useful observations, the thefts of cattle, neither difficult nor rare, the resource of idlers and vagabonds, and which supports a moral corruption the influence of which must be fatal, would be prevented or punished,

and every one would be a gainer. But, perhaps also, the presidents have been afraid their authority would be diminished in a matter that makes almost every one dependent on their will, as they almost all possess cattle; and as far as relates to the administration of the French part, it gives them an importance that no other part of their administration could produce.

We are well founded, then, in saying, that if the Spanish government did not sedulously study to keep the colonists of Santo-Domingo in a state of mediocrity, without doubt to render its power more formidable, it would find means of putting in execution such regulations as one cannot suppose it to be unacquainted with the utility of. Indeed, is it possible that it does not know that the difficulty, which the parts, too distant from the French part to partake in the supply of cattle, might be easily removed, by permitting Spanish or even French barks to fetch these cattle by sea? The immense extent of the plain of the eastern part of the island, is sufficient to make us judge of what use this commerce would be to it: a commerce still less costly than that of the Americans, who bring cattle from the eastern part of the United-States.

These oxen which come particularly from New-England, and which are said to have brought the carbuncle into the colony, cost from twenty-four to thirty-two dollars a head; while a pair from the Spanish part cost not more than forty or fifty dollars; a pair of cows from twenty to twenty-four, and a pair

pair of calves, of a year old (for younger cannot be had), twenty dollars. If the American merchant finds a profit, certainly the Spaniards must find a much greater. The profit of the latter is rapidly increasing too, since the pair of oxen, which produced him, in 1762, but twenty-two dollars, were worth twenty-six, in 1776, at present they are worth nearly the double of that sum, and during the war of 1778, they were even higher than eighty dollars. And if we reflect on the rapid progression in the population and produce of Saint Domingo, we shall be soon convinced, that the inhabitants of the Spanish part would do themselves no injury in giving an extensive latitude to their endeavours to augment the number of their cattle.

To the product of the cattle, we might, according to Valverde, add that of agriculture and the mines. It is very true, that, in the two thousand seven hundred square leagues of the level, or nearly level, land of the colony, we might, in supposing that a tenth part only was fit for the sugar-cane, settle down, at least a thousand sugar-plantations, of three hundred *carreaux* each, and in the remaining land, a number more than six times this, of coffee, indigo and provision plantations, &c. &c. &c. That is to say, double in value to the plantations in the French part, as the sugar plantations would be of a greater extent.

Valverde goes so far as to maintain that this immense cultivation would not injure the raising of cattle; because the parts occupied by the *graziers*

would be in the interior, more distant for the carriage of produce, and which are the very best for cattle on account of their temperature, the thickness of the foliage and the purity of the waters. It is to the unlimited extent of the hattes that he attributes their failure. This, he says, prevents multiplication; because all the cattle are left to themselves. As a proof he produces that this multiplication is valued at no more than five to the hundred for the tribute, in which are not reckoned the *wandering* cattle, on account of the impossibility there is of forming a calculation which respect to them; while there are some little hattes on which the multiplication has been in the proportion of twenty or twenty-five to the hundred, and that with some inhabitants of small tracts, that with twenty cows and a couple of bulls they have annually as many calves as mothers. It would, then, be one of the happy effects of cultivation to narrow the limits of the hattes and reduce all the cattle to the same and gentle description. They would then be more fruitful, and a thousand would yield more profit, than eight or ten thousand the various descriptions now do.

At present almost every hatte is committed to the care of a negro with the title of majoral, and every one knows that his sole object is to get as much as will purchase his freedom, and that two or three other slaves placed under him are quite insufficient to take that care of the cattle which is necessary to make them profitable.

But, it is principally on the subject of the mines that Valverde breaks out in extacies on the value that the Spanish colony may acquire. " They were its glory
,, formerly, and why may they not be so again? The
,, short time they were worked cannot have exhausted
,, them; there are even a great number which have
,, never been opened, they could then be worked as
,, easily as formerly. A mine would give thrice as
,, much as a sugar plantation with the same number
,, of hands, and metal is not subject to so many
,, vicissitudes as the sugar cane. It is in vain to ima-
,, gine difficulties, arising from the insalubrity of the
,, mines, since observations relative to those of St-
,, Domingo prove the contrary, and the argument
,, founded on a great number of Indians perishing in
,, them, proves nothing but the vices in the manage-
,, ment and still more the avarice of the first Spaniards,
,, who, not content with forcing men to work who were
,, unaccustomed to it, and for that reason unfit for it,
,, made them labour beyond their strength. I know
,, well, says the same author at last, the maxim so
,, often repeated, that the best mine is the cultivation
,, of the land: those nations who have no other mines
,, may thus console themselves, but since gold is the
,, god of nations his worship ought to bring opulence
,, and power to that nation in which he condescends to
,, dwell ,,,

Such is nearly the reasoning of Valverde, the refutation of which might itself be subject to controversy. But he was obliged to confess that, after all, there

must be work-men and cultivators, and that as both must be slaves, there can be no kind of enterprize without this indispensable agency. Now, what are fourteen thousand negroes, when a million and a half at the very least, would be wanted to bring the Spanish part to a perfection proportioned to that of the French part!

Spain, of all the powers possessing colonies, has the weakest means of procuring negroes, since she has neither settlement nor factory on the African coast, and is reduced to receive all she does receive at second hand, she who first fell on the means of making use of negroes to cultivate the lands of America. Spain whose manner of seeing things has undergone more than one revolution, in matters of administration, since thirty years, has, indeed, felt the importance of making her colonies flourish, but these notions at last given by the example of other nations, have found in this example itself an obstacle, and one almost insurmountable; because such is the effect of competition to him who comes last into a commerce already engrossed by his rivals. Besides the Spanish government has such an immense surface to fertilize, that however great its means may be, they become almost of no use to the separate parts, to each colony.

A striking proof of this was seen in the little utility of the law of 12th April 1786, for the improvement of the colony of S. Domingo. Here we see that, to accomplish a demand made by this colony in 1767, the king of Spain declares, that the importation of

negroes shall be free and exempt from all duties, when employed in cultivation, as also the exportation of the metals or produce, received for them. It promises to cause fifteen hundred to be distributed to proprietors of land, to be paid for in two years. Domestic negroes are subjected to a tax, in order to induce their owners to employ them in cultivation, and this tax forms a fund for rewards to those who import negroes. Freedom from taxes is extended to agricultural tools and utensils, as also to those of manufactures, to exported *tasfa*. All the new settlements are exempted from tithes for ten years.

The same law, extending to other objects of colonial management, prescribes the forming a code, the double object of which is to be, to unite the good usage and protection of the slave, with the preservation of the property, authority, and power of the master. The president, the royal-court, the justices, the municipal bodies, the royal officers, and deputies from the cultivators and landed proprietors are called together to assist in forming this plan, at which time they are recommended to keep in sight, the ordinance of the king of France of 3^d December 1784, not only as to what concerns the negroes, but as to other points essential to the prosperity of the colonies. After this pompous eulogium of a law which has excited discontent only in the French part of St. Domingo, this of which I am now speaking prescribes, besides, that the same assembly, shall deliberate on the best means of collecting settlements, of attaching

to the foil, those persons whose vagabond wandering life is a scourge to the country, Finally, and this passage is very remarkable, the 12th article of the law bears, *that the cattle being the only subsistence which has, hitherto, maintained the inhabitants, by means of their commerce with the French part*, his majesty suppresses the tributes, as the slaughter-houses ought to be supplied either by the graziers, or by those who deal in cattle, and who shall oblige themselves, by an engagement with the public, to provide them at a reasonable rate, without the imposition of any duty or tax whatever, in order to make the effect fall finally on the consumer, to the ease of whom and of the troops the king's wish is to keep invariably to twenty *quartons* (*) (about six pence sterling) for five pounds of meat. But if it should be found absolutely indispensable to adopt the tributes again, the schedule orders them to be affixed so that every five pounds of meat shall be at forty two *quartons*, that every head of cattle may produce to the furnisher the same amount as if sold in the city of Santo-Domingo, and that they shall be at the same rate compensated for the losses they may meet with on the road, whether from strays or deaths. Here I must copy the law :

„ And with respect to the exclusive sales that the
 „ graziers should be obliged to make to the two
 „ French commissaries, *and as it is indispensable to*
 „ *shelter them from the terms that those strangers wish*

(*) 170 *quartons* make a dollar.

„ *to dictate to them*, and which is contrary to my royal
„ intention ; as the profit of the proprietors of cattle
„ depends on the competition of buyers, I order that
„ the arrangements and conventions, made by the
„ governor of this island and the French commandant, shall be repealed by orders for holding public
„ fairs, at fixed times, where all persons, without
„ limitation of numbers, may repair, the governor
„ settling the tithes, always having attention to the
„ abundance of the propagation and the quantity of
„ cattle each proprietor may bring to the fair; taking
„ care besides, that the sale shall be for negroes, utensils or money, in presence of the commandants or
„ Spanish judges, in order to avoid every fraudulent
„ and clandestine conveyance of cattle to the French
„ part ; and I recommend to you governor and royal-officers great vigilance as to this point, and to be
„ strict in seeing that there shall be no preference
„ given, and that no ground of suspicion shall be left
„ with regard to injurious steps taken by the two
„ French commissaries, .

Thus it is not enough for the French part to be in a sort of dependence on the Spanish part for an article of the very first necessity, it must besides appear that it imperiously dictate the law to those from whom it receives this necessary article ; so that, any one totally ignorant of the particulars of which I treat, would believe, that the French held their neighbours in the most servile subjection ; so easy is it to give to a government at two thousand miles distance opinions the

most absurd and false. But the chiefs of the Spanish colony have themselves criticised the motives of this part of the ordinance, since the fairs are yet to have their birth, and according to what I have said of the advertisement of 1789, the French purchase of those who have cattle to sell, without being exposed to continual vexations as formerly, by the means of two commissioners whom the suppression of the slaughter-houses's farm in the French has rendered useless.

The ordinance of 1786 had no better success, as to the increase of cultivation. Indeed, how should the Spaniards of this island obtain negroes, when they have for competitors all the colonists of the islands of other nations? These are much more able to make such sacrifices; their profit soon compensate them. Not that the Spanish colonies, particularly that of Cuba, have not obtained some few negroes, almost always the refuse of the English cargoes; but, still that of St. Domingo would be one of the last to receive them, because it has scanty means of purchasing, and its existence, depending on the hattes and home sale of the cattle, attracts no exterior commerce; because the inhabitant, who is obliged to smuggle the greatest part of the things most necessary to him, confines all his desires to these things, and he must long have the means offered him of multiplying them, before his inclination to sloath would permit him to pursue them with the necessary ardour.

If there remained any doubt in this respect, what argument more convincing could be given of the inutility

tility of the schedule of 12th April 1786, than the existence of that of 28th February 1789, which grants full liberty to trade in negroes in certain ports of St. Domingo, Cuba, Porto-Rico, and in the province of Caraca, as well for foreigners as for the Spaniards themselves, with the exemption of all duties during two years, reckoning from the day of the schedules being published in the several places. It insists that of the imported negroes, there shall be two thirds male and the rest female; which, by-the-by, appears very singular, when compared with the religious notions of the Spaniards, whose laws prescribe, that the slaves should be excited to marriage. Foreigners must pay a duty on the exports of the money or produce acquired in exchange for negroes, and those Spaniards who bring negroes for themselves, can claim a premium of four dollars each negro.

The better to encourage cultivation, this law imposes two dollars annually, as a capitation, on every negro not employed in it. There is, further, a person appointed by the minister of the Indies to inspect the negroes at their arrival, and verify if they are of good quality. So early as 1784, Spain had fallen from twenty one to five *per cent*, the duties imposed on cattle leaving some of its colonies, on condition that the product should be brought back in negroes, and the effect did not answer the expectation.

These vain attempts are by no means calculated to accomplish the hopes of Valverde, who imagined yet in 1785, the moment when the French finding no

more cattle, because the Spanish colony would have its cultivators to feed, would be obliged to abandon part of their establishments, to form hattes and attend to their own subsistence. Whatever he might think, this cattle trade is, and long will be, to repeat his words again, the only support of his country, and even should this manner of supply fail, the French part would find, without sacrificing its rich manufactures, land enough fit for the raising of cattle, which, it is very happy for the Spaniards, at present attracts but little attention.

And, besides, why this envy and hatred against a nation; because more industrious than his own? When the first French settled at St. Domingo, though the Spanish colony had already sunk prodigiously from its primitive splendor, it was, however, very much superior to the miserable attempts of the Adventurers; but these persevered, and if they surpassed their neighbours, their success is no crime, and if their successors are become inimitable, the reproach of those who cannot imitate them is at once awkward and unjust.

I have so often said, the treasure of the Spanish part lies in its hattes, that the reader may have a curiosity to know the number of cattle they contain. I have a table of tithes on cattle, for 1760, and one for 1780, extracted from the register of the treasury of Saint-Domingo, with the price at which those tithes were farmed. These tables will serve to make known the state of the hattes at these two epochs, and the advancement of the interval. Though I write thirteen years

after the last epoch, there can have been little augmentation since, because in this year even there was a very afflicting and destructive drought; and because the supply of the years 1780, 1781, 1782 and 1783, was considerable, on account of the circumstances which several times assembled at the Cape the forces by land and sea.

Juridictions.	1760		1780	
	Tithes.	Amount in dollars.	Tithes.	Amount in dollars.
Ssint-Yago.	500	2,400	650	7,000
La Vega and Cotuy.	200	1,600	400	7,600
Hinche and St-Raphaël.	350	2,200	600	8,050
Banique and St-John.	450	3,400	650	7,000
	1,500 Head.	9,600	2,300 Head.	29,650

Here we see that, in 1760, the number of cattle considered as stock, was fifteen thousand (fifteen hundred of which were tithe); but this table contains only the districts which furnished cattle to the French parts ten thousand head more may be added for the rest of the island, which makes a total of twenty five thousand.

We know that the number left for breeding is the third of the total, not including the wild cattle; but this rate is surely below the reality, nor can it be looked upon as more than a fifth; this would then be, a hundred and twenty five thousand head of cattle for this epoch.

In 1780, we find after the same calculation, a breeding stock of twenty three thousand head, in the three districts in the neighbourhood of the French part, and in putting it at forty thousand for all the colony, it would give a total of two hundred thousand head, and, consequently, an augmentation of seventy five thousand in twenty years.

The number of two hundred head of cattle, is indeed, that of the general census taken by order of the president in 1780, and if we count the cattle exempted from the tribute, we might, perhaps, raise this number to two hundred and fifty thousand; without comprehending horses, mules and asses, which, with an augmentation estimated since 1780, would make a stock of three hundred thousand head and an annual production of sixty thousand. Let us now suppose, that a fifth of the young ones perish accidentally, there still remains forty eight thousand.

In this state of things, it is very luckily to have a neighbour ready to buy more than one half, if he was suffered to trade freely by those who stand in need of his custom. The sale and consumption of the Spanish part would not equal the increase; and, indeed, were there a balance between the two, it is ridiculous, at least, to conjure up vain terrors, and to talk continually of the stripping of the hattes, which need fear nothing but the causes I have elsewhere described.

Once more, then, why be at once hautghy and poor? Why wish to appear to confer favours in selling at a good market what is really superfluous? Because the

sugar plantations of the little island of Limonade only are more productive than the whole Spanish colony, is it necessary to talk as if the French part owed its existence to the Spaniards? The benefactor gives; the feller has himself wants to satisfy, and has no right, after having received the price of his merchandise, to boast of a pretended generosity.

But, by a fatality caused by the riches of one of the colonies and the poverty of the other, all their relations are so many subjects of animosity. I have already spoken of two principal ones; the boundary-line and the supply of cattle. This boundary-line requires an agent under the title of, *inspector of the frontiers*, whose only employment is to attend to the preservation and repair of the pyramids on the line.

I have still to speak of two articles; the one provides for the restitution of criminals and deserters, and the other for that of fugitive negroes.

Since 1695, the epoch of the establishment of detached companies of marines, the French colony has had a garrison, and consequently deserters. Few in number at first, but augmenting with the troops, The proximity of the Spanish part and the convenience of remaining there almost unknown, made it the retreat of men whose love of change, and even a sort of moral inquietude, lead them to quit the corps where they have engaged to follow military service.

The first act of the court of Spain, relative to these deserters, was a schedule of the 3rd June 1703, ordering all the governors to send them back to the

French commandants; but this was not to extend to Frenchmen out of the service. Another schedule of 20th October 1714, renewed these regulations, and rendered them reciprocal as to the Spanish deserters, with this promise, that deserters given up on both sides, should not, in any case, be put to death, sent to the galleys, or to perpetual imprisonment; an ordinance of the king of France of 13th November 1714, accepted of these conditions.

As the Spanish president did not conform himself thereto, a schedule of 13th August 1722, renewed them. The subject was again agitated in 1729, between Mr. de Nolvos, the envoy of Mr. de la Rochalar, and Don Gonzalez Fernandez de Oviedo, envoy of the president la Rocheferrer, who held their conferences at Mirebalais. In spite of this, the marquis of la Grandara Réal, afterwards refused to adhere to them; but, on the complaints of Mr. de Larnage and the representations of the French court a letter of the king of Spain of 22nd March 1742, to the president, blamed his conduct in this respect.

Then it was that the Spaniards claimed the twenty dollars granted by the king of France for every deserter brought from foreign countries, and there was an order from the French administrators, of 11th May 1743, for paying them this sum. It was, besides, necessary to agree on the manner in which the French deserters should be conducted from the place of their apprehension, and on the reimbursement of expences, which induced Mr. de Larnage to send the chevalier

de Chaftenoye, captain of a detached company of marines, to Santo-Domingo, the 30th December 1743, to settle these points with the president.

The result of their conference was a treaty in 1744, in which it was agreed : 1°. On the word of honour of the two governors reciprocally, the deserters of the two nations, should not be punished with death, loss of limb, the galleys, flogging, or perpetual imprisonment. 2°. That the expences of conducting them should be paid at the rate of a dollar a day for each conductor and each horse, the day's journey be averaged at six leagues. 3°. That the deserters should be given up, in the northern part, at Daxabon, and, in the South, at Angostura (St. Raphaël). 4°. That the food of each deserter should be paid for at the rate of a quarter dollar a day. 5°. That there should be allowed two conductors for every single deserter ; three for two ; three, four, or five for three, &c. 6°. That the Spanish Justices or French commandants, should certify in writing the spot where the deserter should be taken up. 7°. That at the time of the desertion, information should be immediately sent, accompanied with the proper descriptions, to the commandants on the frontiers. 8°. Finally, that every deserter, guilty of another crime admitting of death or some other capital punishment, as well as every other criminal guilty of such crime, should be delivered up to the nation in which he should take shelter.

In another treaty made between Mr. de Fontenelle

and Don Ignace Caro de Oviedo, the 21st July 1762, it was agreed, that the deserters of the two nations, enlisted, should be delivered up at the first posts on the frontiers, with a promise that no other pain should be inflicted, than that of imprisonment or hard labour on the public works, 'till they should have defrayed, by the stoppage of their pay, the expences attending their desertion; and, if taken up in the interior, the conductor to the frontiers was to be paid a dollar a day, and as much for his horse, on condition that there should be but one conductor for two deserters.

The treaty of Mr. d'Ornano, of 22d March 1764, stipulates nothing but the full execution of that of 1762, which again took place in that of Mr. de la Vallière of 11th December 1766, and in that of Mr. de Vincent of 4th June 1770. But, what has absolutely fixed the conventions in this respect, is, the definitive treaty of police between the two courts, signed at Aranjuez the 3rd June 1777, by Messrs. d'Offun and de Florida Blanca. It stipulates, that the deserters from the troops and ships of the two nations, shall be faithfully delivered upon the claim of the officers ordered to make it. For one, two, three, or four deserters, two horses men of the marshalsea or two lancers are to be furnished; and beyond this number, one conductor more for two deserters. Every conductor to be paid five eighths of a dollar *per* day, the same for his horse, and the food of the deserter the eighth of a dollar; six leagues allowed for a day's journey.

The reader must have observed, in what I have just said relative to deserters, that the court of Spain, has ever been tenacious of the right of asylum, and that by the first schedule of 1703, no other persons than soldiers were to be given up, which is repeated in that of 1714. But this sacred right, when restricted within just limits, was moderated by the treaty of Mr. de Fontenelle in 1762, where it was agreed that criminals to be given up reciprocally, when demanded by the chief of either government, with an affidavit security that they should be condemned to suffer no heavier penalty than that of banishment, and the civil reparation of damages. Finally, the common right, in this regard, is fixed by the treaty of the two courts of 3rd June 1777, which contains an article in these terms.

“ Other delinquents shall be reciprocally surrendered to the government who shall demand them, under an affidavit security, that they shall suffer neither death nor mutilation, but at most that of the galleys or the *preside*; unless they shall have committed atrocious crimes, such as leze-majesty, and others excepted by the treaties and by the general consent of all nations „.

There have been some examples of the exercise of the power of demanding the giving up of a criminal, but they have been extremely rare, and it is easy to be convinced of this by passing through the Spanish colony. Perhaps it would have been better even if it had never been made use of it.

We now come to the other deserters; I mean the negroes who indeed by their well-known love of idleness, and knowing that the Spaniards receive and treat them favourably, desert into their territory. There are also Spanish negroes who desert to their neighbours; but this is rare, and they seem to be led by extreme curiosity rather than any other motive, if, indeed, it be not to shelter themselves from the penalty due to assassination. The conventions for the giving up of negro fugitives are reciprocal. In what I have to relate on this subject, I shall not forget the rigid law which truth imposes on a writer, even when he ought reveal things that may displease.

The French colony had no sooner negro slaves than it had deserters, or, to use the creol word, *maroons*. The contiguity of the Spanish territory, the facility of remaining there unknown for a long time, that of finding subsistence which is always enough for a negro, that is to say, the least on which man can possibly exist, the hope of living independent, or, at least, to partake of the indolence of the Spaniards, all have concurred in tempting the French negroes to desert to the other colony.

This inconvenience, which might have the most fatal consequences, induced Mr. Ducasse, the governor, to agree with the Spanish president, at the peace of 1697, that the French negroes should be given up allowing twenty five dollars for each of them; but this restitution, which the Spaniards were far from being eager to fulfil, hardly ever taking place, the

council of Leogane, struck with the numerous desertions which had much augmented since the war, thought it right to order, on the 1st July 1709, that the slaves who had taken refuge in the Spanish part, should be brought back by a person that the count of Choiseul, the governor, should appoint to seek for them, and to whom the masters should pay half the value of the negro, unless he chose to receive half the value himself.

This order produced, 1st December 1710, an ordinance of the administrators, who authorized Mr. Beauflan of Petit-Bois, formerly director of the Assiento-Company in the city of Santo-Domingo, and then farmer of the factory of that company at the same place, to cause the French fugitive negroes to be arrested, in paying the twenty five dollars for taking up, and even to sue, in the tribunals, such Spaniards as should have taken them for their own use, or given them their liberty; with a promise to cause him to be reimbursed his expences, according to the statements he should send.

On the 2nd February 1711, the king of France decided that the Council of Leogane had out-stretched its power, and he annulled their order of 1st July 1709; but he added, that every proprietor should cause his own slaves to be demanded and sought after, in the Spanish part, as he might judge proper, which was saying neither more nor less than, that they should not be sought after at all. The president Morfy, taking advantage of the disagreement among the French, thought proper, to augment the population of the

colony he governed, to favour the French negroes already in it. This bold step was blamed by the schedule of 20th October 1714, as contrary to the law of nations and the friendship of the two courts, and the negroes were ordered to be given up, not only for that time but for the future, with an injunction on the president and the royal-court to attend to the same, on condition, however, that these blacks should, like the white deserters, be protected from the penalty of death, the galleys and perpetual imprisonment.

A copy of this schedule, sent by the minister to the administrators of the colony, was remitted by them to Mr. Dubois, colonel commandant of Cul-de-Sac, whom they authorized to claim the negroes, said to be freed by the president Morfy, but who had really been freed during the interim anterior to his arrival, and to concert on the means necessary to drive the negroes of the two nations from the canton of the Béate, or rather of Bahoruco, towards the heights of Petit-Trou, which, from the end of the seventeenth century, had ever been their asylum.

The zeal of Mr. Dubois, who arrived at Santo-Domingo the 6th July 1715, had but little success; first, because the fugitive negroes had been advertised of his coming, by the Spaniards, and because an auditor, a friend of the president Morfy, and the new president Ramirez, served him only in appearance. However, neither orders nor publications, that seemed to favour his mission, were spared; but the fate of the freed negroes was left in suspense, till orders

from the king of Spain should arrive. As to the pursuit of the negroes of the Béate, they gave him orders to carry to the commandant of Azua; however, that pursuit, under the command of Mr. Dubois, was conducted by Frenchmen alone.

We have seen, that, with regard to the deserters, a third schedule of the king of Spain became necessary, the 13th August 1722; because, at the begining of 1721, the president had declared openly, that he would give up no more, without express orders from his court. This schedule also spoke of fugitive negroes. The president Ramirez, according to this last, wrote to the French administrators, that he had caused a hundred and twenty eight negroes to be taken up, and that they might send for them. In 1723 a bark was fitted out in consequence. It was the Trancardine, belonging to Mr. Lejeune, and Messrs Lestrade and Lagrange were charged with the mission. The bark came to anchor in the bay of Ocoa, whence the two agents went to Santo-Domingo. But, at the moment these fugitives were conducting towards the bark, the Spaniards opposed the escort by open force, and gave arms to the fugitives, maintaining that they were free; and Messrs Lestrade and Lagrange had a narrow escape for their lives. From this fact it was that arose the settlement of Saint-Laurent of the Mine negroes, near the Spanish capital. The expences of this voyage, rendered uselefs by a revolt, which was not without doubt the effect of hazard, were demanded from the court of Spain.

The difficulties of this claim renewing continually, Mr. de Larnage proposed, in 1738, to the Spanish president, to keep upon the frontiers certain agents, who, in each district, might receive the maroon negroes and pay the twenty-five dollars capture-money. And, convinced that the difficulties would revive as long as there was no person officially residing at St. Domingo to attend to the object, he opened this proposal also to the Spanish chief, authorized by a letter written to Messrs. Fayet and la Chapelle in 1736, by the minister, who had also perceived the wisdom of the plan. The first proposal experienced no objection, but as to the second Mr. Larnage was referred to the court of Madrid, which gave no answer at all to it.

To supply, as much as possible, the want of such a resident, the administrators named, the 12th October 1751, Mr. de Brémond, commandant of the militia of Mirebalais, who had made arrangements with Don Miguel Montero, an inhabitant of Santo-Domingo, to claim from the Spanish president the fugitive French negroes. Mr. Brémond was allowed three hundred livres, colonial money, for every negroe brought back; and further, the third of those which remained in custody, and two hundred livres for each of those forming the remaining two thirds, not including the jail expences; and he was authorized to take with him into the Spanish part, an officer whom he should choose from those of the militia of Mirebalais, and as many archers of the marshalsea as he should judge necessary, at his own expence.

By the treaty of Mr. Fontenelle, in 1762, the anterior conventions, made with the Spanish presidents, were ratified, and it was added, that the negroes who, should have fled from Justice, could be made to suffer only the penalty of exile or banishment; that those who should be married should remain with the nation in whose territory the marriage should be contracted, in paying the value of the slave, who in that case should be valued by a Frenchman and a Spaniard, having for under arbitrator, the person appointed to make the claim; and this was equally to take place with respect to the children, who belong, according to the laws, to the master of the mother.

It ought to be observed, that in answer to a letter of the Spanish president of 18th October 1760, the king of Spain, by a schedule of the 21st October 1764, says, that this president has made known, that the ill-treatment the French slaves receive from their masters, *is the cause* of so much desertion, and that the French have violated their promise not to punish those who are given up; that the custom is to leave the negroes provisionally to the care of the Spaniards who take them up, but *that their taste for independence* leads them to quit these guardians, and to straggle about the island, where they live like vagabonds; that there are many of this description not yet claimed, and that, in consequence, it would be right to sell them for the profit of his catholic majesty, following the custom of the French colony.

But the schedule prescribes, on the contrary, to

consider these negroes as free, and to endeavour to induce them by gentle means to form settlements, taking always the necessary precautions, that these settlements do not endanger the public tranquillity. It is easy to guess that such orders as these did not facilitate the recovery of the French fugitives. Nevertheless, in the treaty of 1766, it was agreed that the maroon and stolen negroes should be given up, with a fine of sixty dollars on every one who should have in his possession French fugitive negroes without having given an account of the same to the judge of the place. It was further agreed that a pursuit in common should be made against the negroes settled in the mountains.

Other provisional conventions between Messrs. d'Ennery and Solano fixed on new regulations; but it is the treaty of police of 3rd June 1777, already cited in speaking of the deserters, that we must apply to for regulations concerning the fugitive negroes.

In this treaty it is agreed to give them up, exactly and with good faith, as soon as they are claimed by the officer empowered so to do. The capture-money is fixed at twelve dollars, besides the conductor's expences, in all respects the same as the expences allowed for the white deserters. What relates to married negroes and to children, is conformable to the treaty of 1762; but as the facility of these marriages was a real abuse, the treaty prescribes to the archbishop of Santo-Domingo, and to the parish priests of the Spanish part, not to give the permission necessary to their celebration, but upon full knowledge of the case. And,
with

with regard to such negroes as have fled from justice, they shall be given up on the request of the governor-general only, who shall give his attested security, that these negroes shall not be punished for the offence, unless it be for an atrocious crime, or of the same nature as those which are excepted by the treaties and the general consent of nations; unless it be in such cases, they cannot at most be done any thing more to than sold out the country for the profit of their masters, or be employed in the public works. It is besides, agreed, that the Spanish negroes shall be excepted from the French rule, which authorizes arrested negroes to be sold after a certain term of detention, if not claimed by their masters.

And as the propagation of the negroes, retired to the steep mountains, is regarded as dangerous to the general safety, the treaty of 1777 says besides, that they shall be pursued in common, that those that are taken shall be kept a year, during which their masters may claim them, in paying the price fixed by the Spanish and French commandants, and, after that time, they shall belong to the nation that has them in possession.

Such are the four articles which establish a continual and reciprocal relation between the two colonies: the boundaries, the supply of cattle, the delivery of deserters and criminals, and that of fugitive negroes. The second of these articles has a branch that concerns the good police of the two nations, which is the care of hindering, by the difficulty of the sales, the stealing of

cattle in one from becoming useful to the thief in the other. In this view the treaty of 1762 stipulates for the nullity of sales if the buyer cannot prove, by a certificate from the commandant of the place nearest that whence the seller comes, that the seller was the real proprietor. This regulation, which put an end to every pretext, was strengthened by the definitive treaty of 1777. This treaty extends the regulation even to the sales of slaves, and even provides that the value shall be paid back in case of death, agreeably to the sale price; the cattle and slave are both given up to punishment reciprocally, provided the punishment do not extend to death or mutilation.

The importance of these things, has at last convinced the court of Spain of the indispensable necessity of having a resident near the governor or commandant-general of each colony respectively, authorised to claim deserters and fugitives, and to attend to the execution of the other articles of police, or what may be relative to the interests of his nation; and the tenth article of the treaty of 1777 makes provision for such an office which has ever since existed.

The French resident, who is called the *commissary with the Spaniards*, is named by the king or by the administrators. The first who was sent, the 15th January, 1776, just about the time of provisional convention, received an allowance of twenty four dollars for each fugitive negro whose return he effected, a sum that was stopped by the receivers of the strays, guardians of those slaves, when their masters

claim them, or from the public sale, made in default of claim. On his side the commissary was obliged to return, to the treasures of the strays, the sums which were paid him in the Spanish part, according to a certificate from the Spanish president, for the negroes there married.

But since it has been thought, that thus to join this officer to the reward of his services, was to degrade his character in the eyes of the people among whom he resided, he receives twelve thousand livres colonial money, drawn from the funds formed by the product of the enfranchisement of slaves.

It would be impossible to hear complaints more general and more unequivocal than those continually made to the Spaniards relative to the French negroes that take shelter in their territory. They have long been repeated, and it is impossible to answer them with much candour after what the president Morfy did in 1714, and when we hear the history of the little town of Saint-Laurent of the Mines. If we were to listen to the persons who are most irritated, we should hear them say, that formerly they had at least some hope of seeing the return of their maroon negroes, because their capture produced twenty dollars, but now, as it produces but twelve, a thousand cheats are employed to prevent the giving of them up; for instance, that of making several successive sales of them, to do away the claims, and even to transport and sell them into other colonies.

It would be committing an unjustifiable error to adopt

the complaints inspired by discontentment; but to believe that there reigns, in this branch of the Spanish police, the religious conscientiousness promised, and that the French employ in the execution of the treaty of 1777, and especially in what concerns the stealing of cattle, would be to remain a dupe in spite of conviction.

The commissary, to whose establishment the treaty consents, does not hinder, in important occasions, or in case a new choice is made by the government, the sending of a commissary, in some sort, extraordinary, to treat with the president on some important object. The treaty may furnish the subject of it; since we there read, article 9, that the two nations ought to aid each other with men, money, ammunition, and consider the defence of the island as in common. I have said that this was done in 1781, when the chevalier de la Riviere was sent to make representations on the difficulty of the supply of cattle, in the midst of those wants the war augmented and multiplied daily.

There is, besides, a third kind of commissary, he whom the divers governors authorize, when they enter on their functions, to go and compliment, in their name, the governors in their neighbourhood. This custom serves to renew the assurance, which the chiefs of the different colonies give to one another of their desire to live in perfect harmony. Generally these occasions give an opportunity of settling things that interest the divers nations. Without doubt these

protestations are not better guaranteed than others, by sincerity, but they are, however, of public utility.

As custom further requires, that the complimentary envoy between the French and Spanish governor, should be considered as sort of ambassador, or representative of the governor by whom he is sent, he receives certain honours, not, however the same as are rendered to the governor in person. We have seen those rendered to a president, in the journeys of the marquis of Azclor and the count of Solano, when they came into the French part, the first in 1765, and the second in 1776.

The eve of the president's arrival, the French governor sends him a superior officer to the place where he intends to pass the night, in the neighbourhood of the town, to testify to him the satisfaction his happy arrival has given him. Next morning several persons of distinction come in coaches to form the suite of the president, who is seated in the coach sent him by the governor with several of the principal officers. Arrived at the entrance of the town, the president alights, and walks, accompanied with the commandants of corps and the aides-de-camp, along between the troops lining the road. While he thus is going to the governor's house, the drums beat a march, he is saluted by the officers and the colours, and the batteries fire a salute of twenty guns.

The governor receives him at the first door of the government-house, conducts him to the drawing room, answers to his protestations of friendship by

others of the same sort, then he leads him to the apartments prepared for his reception in the government house, where he finds a guard of honour, composed of a company, having a captain at their head.

He politely refuses this guard, and accepts only of a single sentinel from the nearest post. All the military men visit him by corps; and the members of the tribunals, of the administration, and of the different corporations come singly to make him a visit of civility.

The first time he goes to the play, the governor-general yields him all the honour of it, and gives him his place in the government box. Personal attention always accompanies the ceremonial, and the conceit of the chief who pays them consists in mixing a certain delicacy, very becoming his own dignity.

The visit of a president gives occasion to balls and feasts, and there is not a handsome creole who is not glad to prove, that a Spanish president knows how to appreciate French elegance.

When he returns, he has detachments of militia cavalry for escorts, that in this, as in every thing else, the honours attending his departure may equal those of his arrival. The governor-general, who, during his stay, accompanies him in visiting all that he desires to see and makes the troops exercise in his presence, conducts him to a certain distance, when he departs for his colony, and attention and respect await him to the last instant.

At Santo-Domingo, the French governor would without doubt meet with a reception analogous to that

which I have here described, and the Spanish grandeur would not fail to display itself. But the thing has never happened; the Spanish capital has never seen a chief of the French part. He contents himself with sending hither some one to make his compliments.

I shall now give an account of the reception of Mr. de Saxy, an officer of the Cape-regiment, when he went to compliment the president of Santo-Domingo, Don Manuel Gonzales, in the name of Mr. de la Luzerne, in the month of May, 1786.

Mr. de Coustard, commandant *en second* of the western part, had informed the president of the choice that had been made of Mr. de Saxy, in begging him to give orders, that this officer might find, on the road, all the assistance and conveniencies he might stand in need of. The president gave his orders accordingly to the commandants and the alcades.

After ten fatiguing days journey from Port-au-Prince, Mr. de Saxy arrived in the evening at the fort of Saint-Jerome, whence he wrote to the president to advertise him of his arrival, and to ask him what hour the next day he might appoint for receiving him. A soldier of the guard, being before informed that a French envoy was expected, took the letter. An hour after arrived two of the president's coaches, with the major and aid-major of the place, who delivered an answer to Mr. de Saxy (written in Spanish), and which contained, with some compliments on his arrival, an invitation to come immediately to Santo-Domingo. Mr. de Saxy accepted the offer, and went

(as quick as the proceſſion of the Roſary, which he met, would permit him) to a houſe which had been prepared for him.

The next morning at nine, the ſame officers came with two carriages, to conduct him to the palace. The guards of the ſquare and of the preſident's door before which they paſſed, turned out with preſented arms, the drums beating a march. The governor came to receive him at the door of the ſalloon, where all the officers of the garrifon and other perſons in place were in attendance. The envoy complimented the preſident, congratulated himſelf on being choſen for the miſſion, and delivered to him the letters of Mr. de la Luzerne. After a quarter of an hour's converſation, he took his leave, and returned with the ſame honours to his houſe, where he found a guard of thirty men, commanded by a lieutenant, who came to ſalute him; he thanked the officer and reſuſed the guard. An inſtant after Mr. de Saxy received a viſit from the preſident, accompanied by all the perſons preſent at his introduction. He alſo received a viſit from the royal court and all the other public officers. Directly after theſe viſits Mr. de Saxy, went with the major of the place to return them. He went to the houſe of the commandant of the battalion, that of the artillery; of the militia, &c. to the archbiſhop's, the ſuperiors of the convents of men as well as women. He went to pay his reſpects to the principal ladies of the city who receive viſits in the morning, and who never fail to imagine that a French eye always expreſſes

expresses something agreeably flattering at the sight of the fair sex.

Mr. de Saxy then went to dine at the government house at a table of sixty plates. The French king's health was drink, that of Mr. de la Luzerne, and Mr. de Saxy returned these by the health of the king of Spain and that of the president, aided by Mr. de la Vigerie, the French commissary resident at Santo-Domingo. During three weeks Mr. de Saxy was surrounded with civilities and respect, and he every day dine with the president, who always took care to have a numerous company invited. Every morning at eight o'clock one of the president's coaches was at his door. He made use of it in the morning in his visits, to go to dinner, and in the afternoon for riding out. After this stay he took his leave to return to Port-au-Prince, having first paid his farewell visits.

In two or three weeks after the return of Mr. de Saxy, Mr. Arrata, a Spanish officer, on the same mission, came to compliment Mr. de la Luzerne; the greatest exactness was observed in rendering him the honours paid to Mr. de Saxy at Santo-Domingo.

The French envoy generally receives six thousand livres, colonial money, for the expences of his journey, and out of this sum he defrays his travelling expences.

I may now presume that I have acquitted myself of my promise, of making known to the reader all that seems necessary to give him a full and just idea of the Spanish colony. There are, without doubt, many

more particulars worthy of his attention, but these will not be forgotten when, in describing the French colony, I shall find occasions of showing other relations between the natural productions of the two, or differences in the morals of their inhabitants.

I have said enough to enable any one to form a right judgment of the extent, the fertility and numberless advantages of this colony, which will for ever recall the idea of one of the greatest events in the annals of the world. I do not know if it be to my being born in America only that I ought to attribute this sentiment; but, it seems to me, that we ought to see with pain, the first colony of the New World fallen to that sort of neglect in which it has so long languished.

This neglect it must be confessed is still more surprising, when we look over the French part, which, with much fewer advantages, defies at present all comparison.

And why (perhaps the reader will here say) should not the same industry extend itself over the two colonies? Ought not France hazard every thing to obtain the possession of the whole of this immense island? Would not this acquisition be advantageous to her? Since this question presents itself so naturally, and since an examination of it must add to what I have related of the Spanish colony, I shall endeavour to give it a satisfactory answer.

The 31st March, 1698, the minister of the marine wrote to the Marquis of Harcourt, then French em-

bassador at the court of Spain, that the king would like to have the Spanish part of S. Domingo, and to know what would be looked upon as a satisfactory equivalent.

It must be remarked, that just at this time, the Saint-Domingo Company was forming, to which the southern part, from Cape-Tiburon to the River Neybe, was ceded by the king, six months after, and that very likely the powerful persons interested in that Company, had calculated that the Spanish part offered them the greatest prospect of success.

I know not the answer of the embassador, but I do not find that the cession was again spoken of 'till the month of September 1740, when it was said at St. Domingo, that France was going to have the whole Island, in exchange for Isle of Corsica.

This news, wrote Mr. de Larnage, then governor-general of the French colony, is looked upon as bad news by all the inhabitants, and I am assured that in France, it is looked upon as ruinous to the merchants; though there is no doubt, adds he, that it would be the most important and useful acquisition that the king could make in America.

At last, in 1783, it was positively said that France was to exchange Guadaloupe for the Spanish part of St. Domingo, and this news gave occasion to several writings the authors of which were very well informed as to colonial affairs.

If we could wish to know first what are the intentions of Spain respecting this cession, before we inquire

whether it would be useful or not to the French, we might, without hesitation, look on the question as idle; because we must first suppose the subversion of all the principles of the Spanish government, and a grand revolution in the national character, to believe that Spain would cede any territorial possession whatever, and above all give up the first metropolis that she formed in America. It is then, after removing this difficulty, that we ought to inquire if what has been said of the advantages, which France would find in the possession of this territory, be founded or not.

These advantages are said to be six :

I. A more defensible position. II. A greater security for navigation in war time. III. A greater certainty of subsistence. IV. An augmentation of population. V. A more extensive cultivation. VI. An augmentation of commerce.

Reasons are given in support of each, and these I shall now lay before the reader.

I.

A more defensible position.

IN the present state of things, the Spanish colony, lying to the windward of the French, being in some sort open and defenceless, the latter is exposed to every attack and every insult. If France is the ally of Spain, they ought to succour each other, and it is almost impossible

that they should convey succors so far by land. If, on the contrary Spain should herself be the enemy of France, the latter would have much to fear from the proximity of a neighbour, so much the more bold as he is extremely poor; and while the French colony would have all its forces on the frontiers, in order to defend them against men to whom a war in the woods and defiles would be but a spot, against lancers accustomed to pursue, stop, flight and kill wild oxen, the naval force of Spain, might make a fatal diversion in some point of the French territory distant from the frontier.

Considering the two nations as friends, and Santo-Domingo belonging entirely to France, Spain, the immensity of whose possessions renders her unable to defend the whole of them, would find a vast source of security in the establishment of a maritime arsenal in the bay of Samana; and if there were besides an interior fortification to protect the island, and maintain its defence till the succours should arrive from Europe, she might look upon the gulph of Mexico as completely covered from the enemy, especially as Cuba would form a second key to it. The Spanish part, become French territory, would be so much the more easy to defend, as, independently of the bay of Samana and the central fortification, the colonists, become French, would form a real active army, composed of men well climated and much superior to any enemy whatever that should dare to venture an attack; since they are accustomed to the country, and as, in

disputing every inch of ground, across woods, bushes, and deep bank-rivers, they would give the climate time to exercise its destructive influence on the assailants, the number of whom would soon be reduced by one half by the epidemick disorders.

II.

*A greater security for navigation in time
of war.*

WHILE Samana remains neglected, as at present, and is, as being the windward part of all the island, the place of shelter of the men of war and privateers of the enemy, they will continue to retire there, to repair, and take in wood and water. This bay is so much the more advantageous to them, as all the French ships coming from Europe or the windward islands, and bound to the North or West part of Santo-Domingo, are obliged to come in sight of the Cape of Samana, or, at least, Old Cape-Français, on account of the dangers of the part through which one disembogue, and even to come near the land, to avoid the *Mouchoir-Carré*, the shoals most to the East.

If France possessed Samana, she would fortify it, and the enemy would no longer find shelter in it, and by this only the coasting of Santo-Domingo would no longer be dangerous in time of war, provided small

force should be kept here ; light ships would keep the enemy's privateers at a distance from a cruize that the least want, the least accident by sea, would not suffer them to keep.

III.

A greater certainty of subsistence.

THE continual and numerous shackles which the Spanish government delights in multiplying with regard to the supplying the French part with cattle, would cease with the cession. The hattes which would equally exist under another domination, would be more confined by new tracts of cultivated land, and from that time the cattle would be better attended to, their increase more considerable, the subsistence for the whole of the Island much more abundant, and we should see no more of the vexations which are rather shameful for the French, who seem ever to be receiving favours, though their neighbours would be reduced to mere animal existence were it not for their custom.

The French government, well warned by experience what ought to be done or avoided, in order to preserve the hattes, might, by wise regulations, take such measures as would in future prevent the hattes from giving place to establishments of culture; and the marking out of a certain extent of land in each

parish, not to be employed but in the raising of cattle would form a resource of which she always stands in absolute need.

IV.

An augmentation of population.

THE population would rapidly increase by the number of the French cultivators who could settle on the new territory: They would be composed of men whose industry now knows not on what to exercise itself, of inhabitants of the French part (and especially those of the mountains), who, having lands exhausted or impoverished by the coffee-tree, would employ their negroes and their activity on a soil that may be called new, since, after being cultivated for less than a century, it has remained in a state of repose for several centuries, and the rotting of the vegetables has formed a new layer and a new source of fecundity.

The inhabitants of the Windward Islands, who have but a miserable existence, on a soil intirely fullen from its original fertility, obliged at present to double the extent of their lands and the number of their people to get a produce equal to that of the first cultivators, would be happy to see a possibility of changing their situation; and it could be ordered, that in the Spanish part, the land should no longer be granted for

for nothing except to those who should come with negroes, while the others should be obliged to buy or rent their lands, as in many foreign colonies.

There would come capitalists from Europe, if the absurd droit d'aubaine did not scare them : the merchants would second the efforts of the colonists, who would afford just hopes of gain from the very fertility of the soil : and finally, emigrants ought to be counted upon from foreign islands, who would come to seek in a better soil, what the rest of the Antilles refuses, on account of their exhausted state, to the labour of the cultivators of the different nations who inhabit them.

The planter who would no longer stand in need of forcing his negroes to continual fatigue to pay himself for the interest of their cost and of his land (a necessity destructive to the slaves), having a thousand resources for himself and for them in the astonishing fertility of the land in question, would no longer require of them labours above their strength. The situation of the negroes would, then, be bettered, and interest would come to the aid of the dictates of morality and humanity.

Another advantage of this cession, is, a people ready formed in the Spanish colonists, and a militia fitted for the torrid zone. These people, under an encouraging government, would multiply with so much more rapidity as the impression of their religious opinions leads them to marriage, and as very different from those who inhabit the French colonies, they have more women than men. This surplus would

furnish wives for the French bachelors. These people, so much more valuable as they are accustomed to live on the produce of the land they inhabit, in rendering this stronger would increase the population in another way, since with more coast to supply with provisions, there would be more water carriage, and consequently more sea men attached to the country. On another hand, with more land under cultivation there would be more interior commerce, and consequently more traders, artisans and men living by the product of their industry. The population must, then rapidly increase, and the island of Saint-Domingo would become an important possession, above any of the Europeans in the New World.

V.

A more extensive cultivation.

AN augmentation of cultivation is a necessary effect of the employment of more numerous lands on a fruitful soil. With respect to industry it exists already, and it wants nothing to make it seen but the means and opportunity of exercise, were it to be confined but to the Spanish colonists only, whose present government in some sort; presses them down and brutifies them. With regard to the hands, we have above mentioned these now employed to so little account

in the French Windward islands and those of foreign islands, and even in the mountains of French Saint-Domingo. Africa would do the rest.

Those who reprobate the cession will pretend, that there must be a second Africa to authorize hopes from such an establishment. But when that part of the world is well known, it will be recollected, that to the French possessions on the rivers Senegal and Gambia, may be added those of Salum and Cazamance, and renew those they had formerly amongst the Bigazots. A fine factory might be formed in the island of Tamora, which makes a part of those of the Idols, and secure a considerable trade in the nine rivers near them, from that of Quissy to that of Sierra Lione. Cape Mezurada also offers great resources, as does the Golden Coast, from Acra to Popo, and to these may be added the coast of Angola. If we quit the western coast of Africa and go to the opposite one, the channel of Mosambique promises slaves in abundance, if the trade be but ever so little encouraged.

But a gentle regime among the negroes of Santo-Domingo, would produce a valuable supply by propagation. In examining the censuses of this island during a succession of years, we see that the annual mortality amounts to a thirtieth, and the propagation to a seventieth; so that, of five hundred thousand negroes, a number carried, perhaps, a little beyond the truth, the annual loss, according to his calculation, is that of sixteen thousand souls, and the propagation seven thousand, which requires an importation of nine thousand.

Supposing that six hundred thousand negroes are necessary for the cultivation of the Spanish part of Santo-Domingo, there will be, out of that quantity, a loss annually of twenty thousand, which, taking the propagation at eight thousand and five hundred will leave but eleven thousand five hundred for the yearly importation.

Santo-Domingo imports, at this time, nearly thirty three thousand, and in adding together the two importations above settled, and which rise together to twenty thousand five hundred, there is already a surplus of nearly thirteen thousand negroes that may be carried into the Spanish part.

But, if we allow for the real possibility, that there is of extending the African trade, and if we consider, that the six hundred thousand negroes, judged necessary for the Spanish part, will be furnished, in great part by the French colony, who shall find, that the importation calculated for this latter will proportionally turn to the advantage of the other. It is not, then, giving way to too favourable calculations to say, that in less than twenty five years, the Spanish part would contain the six hundred thousand negroes intended for it in supposing the cession to be made.

This circumstance would give an additionnal spur to cultivation, there would be no longer a retreat for fugitive negroes, when they should all belong to one and the same nation. The bands of these fugitives, their devastating irruptions, the terror they spread, and which drives the peaceful cultivator from his home,

would no longer exist: all the negroes would be usefully employed, and supposing the cultivation carried to the height of that in the French part, would bring an annual produce of a hundred and fifty millions of French livres, so that the total produce of Saint-Domingo, may be valued, according to this first calculation, at double this sum.

V I.

An augmentation of commerce.

FROM the augmentation of cultivation is easily deduced an augmentation of commerce.

An objection is made to this commercial gain, in saying, that the price of the negroes will be augmented by the competition of purchasers, and that there will be a proportionate diminution in the price of colonial produce. Suppose this objection well founded, in examining it as a statesman we shall find, that the commerce of the mother country, which will sell these negroes, will have a real and solid benefit; but as the colonists have as good a right to the benevolent care of the government, the government ought to hold the balance, even between the merchants and the planters, and as it is impossible that the latter should be miserable without imparting their misery to the former, a satisfactory answer is necessary.

When a negro vessel arrives in port, as a balance

to the need which the planter has of purchasing, the captain or owner wants to sell, even by the nature of the cargo, as a delay of any length almost always brings on contagious sicknesses among the negroes, and as the expences of provisions and sea-mens' wages would soon absorb the profits, if they refused to sell at a moderate rate. Experience proves, that there has always been a pretty just proportion between the price of colonial produce and that of slaves. Besides, if this objection were well founded as to the present hypothesis, it would be as to the augmentation of the culture in the French colony, and would have been with respect to that of the southern part of that colony.

These are the reasons given in support of the cession. I have taken the greatest care not to weaken the arguments, and in order to render, faithfully those I have extracted, particularly from two memorials written, one by Mr. du Buc and the other by Mr. le Brasseur, both intendants of the colonies, when, in 1783, was published, as I have already said, the news of France having obtained this cession in lieu of Guadaloupe, which would have rendered Spain a revenue annually of twenty millions of French livres, at the same time that she would have saved the expence of about seventeen hundred thousand livres annually for the support of her colony of Saint Domingo.

I must now call the reader's attention to what I oppose to this cession, relatively to the interest of France. And that it may be the more easy to weigh the reasons for and against, I shall follow the order adopted by those whose opinion I combat.

I.

A more defensible position.

THE defence would gain but very little by the cession. If France and Spain are allied, the present state even of the Spanish colony is useful to the other, because the enemy will never think of attempting a descent in a country where there are but few settlements, and those very distant from each other, and which is, indeed, almost a continued forest, where there is no possibility of conveying cannon, where an ambuscade may be expected at every step from men such as the Spanish colonists have been described, who could not fail to carry on a bush-fighting war with great success, and who would destroy the enemy in retarding his march only.

Besides, on what part of the Spanish territory could this descent be made, to promise much success either over this or the French colony? To attempt it on the eastern coast would be to render the enterprise eternal in a climate which requires the greatest dispatch on

the part of the assailant. The enemy that would march from thence to Santo-Domingo, would have at least fifty leagues to go, over a road where the conveyance of artillery would not be very easy, and in a land where he would meet at every step an abattis or an ambuscade.

As it would be impossible for him to cross the Ozama over against the capital, he would be obliged to go eight leagues higher up to seek a fording place, which of itself would be very dangerous, because the opposite bank affords a thousand hiding places for the Spaniards, who in full security might take the most deliberate aim. If, however, he should cross here, and get into the road leading to the city across the savanas of Louisa, his march would then become more difficult on account of the rivers he would have to cross, and which are so easy to be disputed; and, supposing he should penetrate as far as the savana of Prieta, he would be obliged to engage in the heights of the same name and in those of Gribeplatte where woods cut across by deep-banked ravins require but a handful of men to stop the march of an army. Thus, then, I think it is clear that the ennemy would attempt nothing on Saint-Domingo by the eastern coast.

On the north coast, there is only Monte-Christ or the Bay of Mancenilla; since there are no where else the means of conveying the artillery, and should the ennemy be so wild as to count on the Yuna, its borders alone would defend it against every thing coming up from Samana. By land there is not, as we have
seen,

seen, any thing but a path where a man that knows the country can go on foot only.

With regard to Monte-Christ, the disembarkation would be easily opposed there, but supposing it effected, either here or in the Bay of Mancenilla, it would be easy, if the enemy attempted to march to la Véga-Réal, to stop him at Saint-Yago, the position of which is very advantageous. But, what could he do here, forced every instant to advance from his fleet, and consequently from the succours which would fail him at la Vega-Real, first because it is not the part the most rich in cattle, and again, because a part of these might be driven off towards the plain of Constance? To dream of going, whether by this plain or by the high road, to Santo-Domingo, would be a most silly undertaking, for it would suppose the chains of Sévico and Pardavé nothing, either of which is well calculated to stop the most enterprising soldier, and which would have the same effect, should the enemy attempt to get up the Yuna. He must, then, content himself with laying waste a few miserable settlements, and destroying a few cattle, an enterprise that might, indeed, please the ancient Free-Booters, but which would not undoubtedly, now be the object of an armament of an European maritime power.

A descent on the South coast, from the South-East-Point, or Pointe del'Épée, to St.-Domingo, and even to the redoubt of Jayna, would be subject to the same inconveniences as that made on the East coast; and if the daily would not be quite so great, it would be

sufficient to leave but little hope of success in marching against Santo-Domingo, which must always be attacked by land, on account of the bar at the mouth of the Ozama.

There are a hundred landing places, it is well known, between the mouth of the Jayna and that of the Neybe; Bani and Azua may, then, be insulted and even destroyed, but after this destruction, which would certainly add but little to the military reputation of the assailant, he would have gained nothing, whether he should be marching towards Santo-Domingo or Westward. The hollow called the *Passage*, and which is between the Tavora and the Neybe, where the troops must disfile on little steepes, would give the opponent full scope of thwarting their efforts; and if the enemy got over this difficulty, the land of Banique, the hollow of Saint-Raphaël, would see the end of the expedition; in drawing, on the contrary, towards Santo-Domingo, he would find all the obstacles of which we have already spoken: woods, rivers, defiles, hollow roads, and the difficulty of conducting his artillery.

From what has been said, it is clear that it would be still more absurd to attempt an attack on the French part by landing on the North coast of the Spanish. The point of Monte-Christ and Bay of Mancenilla alone could encourage a gleam of hope; but there the enemy would be at twenty leagues from the Cape, having a country to cross where the ground might be disputed at every step, and more especially during the

twelve leagues from Fort-Dauphin to the Cape. At a distance from the post which must be reduced, in order to establish himself in the island and not run risk of being harrassed at every moment, as also to have an easy communication with his ships, he would see his army dwindle away, and this so much the faster, as he would be obliged, to avoid the Northern Gales, capable of driving his squadron ashore, to choose a season when the heat makes such cruel havock among European soldiers, that those even who do not come to fight, but who have all the helps and conveniences possible, are more than half of them on the sick list in less than three months after their landing.

Besides, it is not enough to attack, or even invade, great part of a country, the assailant must be able to preserve his conquest, and, consequently, to oblige the attacked to surrender so soon as not to leave him time to receive fresh succours. Now, to hope to do this, the assailant must possess the Cape; which, after landing in the Bay of Mancenilla, is subject to too many hazards and errors, the particulars of which would be long and rather foreign to the present discussion.

The deserted state of Spanish Saint-Domingo does not, then, expose the French part, and as the moral possibility of an attack of the latter through the territory of the former can be only by the Bay of Mancenilla; we may add that then the enemy would have just reason to fear, that he would find himself between two fires, since the Spaniards might

fall on his rear, cut off his convoys, his communications and reduce him to the necessity of marching on only a part of his force, the rest being necessary to repulse the Spaniards or secure a retreat, a thing which the most hardy commander never neglects.

On the supposition that Spain should be the enemy of France; it is not conceivable that she should attempt any thing more than incursions on the frontiers in her neighbourhood, since, in no part of the Spanish colony, there is to be found the means of making a serious attack on the French, either in troops or ammunition, and as Spain is not so constituted as to possess in herself the materials of such an armament as would be wanting to make a conquest of the French part. Besides, if Adventurers scattered along the coast resisted the Spaniards when their colony was in a more flourishing state than at present, how should a colony like that of the French now become their prey? A small army on the frontiers, forming a chain of posts would be a sufficient defence, and if some parts should not be so well defended as others, the enemy after laying waste here, would be obliged to haste back again, from the impossibility of remaining in places which bore testimony of his cruel but useful fury.

There remains one hypothesis not yet started; that is, to suppose Spain not only the enemy of France, but allied with other powers against that nation. This is certainly a supposition that includes very extraordinary events, and should it be realized, it must be confessed, that then it would be more advantageous for France

to be sole possessor of the island, rather than to have an enemy there blind enough not to see that Martinico is one of the keys to the Gulph of Mexico, and to aid another power against France. But even in this case itself, unless France were to abandon her colony, in neglecting to assemble the necessary means of defence, or from her incapacity of so doing, all attempts would be vain; and in every case, I know not how far the fear of falling under the Spanish domination might carry the colonists of French Saint-Domingo. And let Spain well remember, that she would not with impunity adopt the cause of any other power than France for the latter is the only one whose interest it is not stir up a revolt in Mexico. Other powers have desired, and attempted it, and had it not been for the French but this would be robbing history of facts belonging to it alone.

II.

A more safe navigation in war-time.

The position of Samana is, as I have said, very favourable to cruizers, but this does not depend on its land situation. Cruizers can hardly ever venture into the bay, now that the Spanish settlements are in a way to prevent their remaining there, and we have seen how easy it would be to keep out great ships, which, besides, know too well how dangerous this

port is either for entering or getting out, to go there, when they would be almost certain of not being able to refit in order to pursue their prey. But did Samana belong to the French, that would not hinder the cruising there from being carried on, unless there were ships ordered to protect the coasting of those coming from Europe or the Windward-Islands. Now, these ships, if France had them, might sail equally from Cape-Français, in order to yield this useful protection. The cruisers from Jamaica do not always go to Samana; they stop at Cape-Grange, often they lie off Cape-Français, and there, as the French have but too often experienced, they come and take their ships in sight of, and even under the cannon, of Picolet (1). It is not because Samana is the property of one of the two nations more than of the other that these misfortunes come, but because the most efficient protection for a colony is, a stout navy.

I I I.

A greater certainty of subsistence.

We have seen, that the hope of becoming independent for a supply of the first necessity was never founded on an expectation that the cultivators or others among the French would augment the number

(1) A fort at the entrance of Cape-Français.

of graziers ; but because the hattes would become at once better managed and more free.

The effect of the cession, in this respect, would certainly be local change of the hattes ; for , if it be supposed , that they would occupy, as at present, spots in every part of the colony , though their limits might be narrowed, the island would ever be divided into an agricultural part, and that is now the French part, and another composed of herdsmen, with this difference only, that in consequence of better management, it must happen, that in one there would be many more cattle than both could consume, which, by-the-by, would not be a powerful encouragement in favour of the raising of cattle.

But if the hattes undergo a change with respect to their local position, how is it not perceived that the subsistence would not be so certain, from the real incapacity of conducting from one place to another all the cattle of a hatte, and because this would produce fugitive animals, which would in the like proportion diminish the number of those necessary to propagation.

It is easy to conceive, that for a long time the effect of this local change would not be felt ; because the agricultural establishments would begin in the parti nearest the coast, where the hattes are not the most numerous. But, this time must at last come, and then the present population of the Spanish colony must be preserved ; for, without that, no more hattes, from this very probable cause, that no Frenchmen

will enter on the new-ceded territory, to lead a sort of life little adapted to a lively, enterprizing people, soon disgusted with whatever has the air of monotony.

Thus, then, to the Spanish colonists alone would be left the supplying of the whole island with cattle, and they would be the only persons for whom it must be supposed that the cession would have no happy effect, except the improvement of their hattes. Now, by what law, just in itself and possible in its execution, shall it be ordered, that no colonist, formerly Spanish, shall quit his occupation of herdsman for that of cultivator in any way whatever? How can two people, very distinct at the moment of the cession, become one, if there still exist a sort of line of demarcation between their occupations? The greatest part of the Spaniards would wish to apply themselves to cultivation, the produce of which they have been continually told enriches the French; and the French to whose ears grazier and poor-man are always synonymous, would not apply themselves to a profession, which, I repeat it, is contrary to their inclination and habits.

Without doubt it would be very easy to make such regulations as, considering nothing individually, would apply to the land only, and mark out, as has been said, hattes for each place, or district, if the latter were better calculated for the attainment of the proposed end; but what regulation could oblige men to keep this land in hattes? The prohibition of
employing

employing it in any other way? But would the proprietor suffer himself to be persuaded? And if, whether out of obstinacy or from whatever motive, he would not be a herdsman; or, if, in place of having the number of cattle that his land required, he has a less proportion, what penalty would you inflict on him? The loss of his property? This, without doubt, would be the severest he could incur; but, do you count this among the means of supplying the meat-market? of replacing the cattle which are indispensable to the manufactures? You will find, as at present in the French part, that laws are useless combattants of a prevailing taste or opinion, and that when a government is reduced to attempt to oblige individuals to apply their property to a use which they look upon as disadvantageous, the law lies a dead letter in the code, a witness of a want of wisdom in those who have framed it.

We should see, then, in lieu of a more certain subsistence, a greater dependance, not on a neighbour whose incapacity of doing better obliges him to remain a herdsman, but on foreigners who would take advantage of their power of following any other branch by which they might prosper. And ought we not to start at the idea of adding to the inconveniences suffered from waiting for a supply from without; a circumstance which, during a war particularly, renders every thing precarious in the colonies, even military enterprizes for their preservation? Let us reflect, then, for a moment on what the French

colony of Saint-Domingo already suffers, because the articles it may have from the Spanish colony, in this way, are not sufficient for its wants, and we shall soon see, that in place of finding, in the cession, inexhaustible resources, it ought to expect greater scarcity and more numerous inconveniencies.

IV.

An increase of population.

THE possibility of an increase of population, from men who would bring their industry with them, must be allowed; as also from emigrations from foreign colonies, and, indeed, from all the causes contended for. But, those who wish for the cession, have not perceived that it would not expulse the Spaniards from the country; that these colonists and proprietors residing in Spain, who would not be stripped of their property without doubt, possess the whole of the colony, every inch of which is granted. The land to be settled must, then, be first purchased.

Certainly the price of it would be very moderate, especially if it were declared that each manufacture should in future be confined to a fixed extent, and that the rest should be added to the public domains, if not settled or sold in a certain space of time. However, this observation militates against the

possibility of giving lands to the colonists who should arrive with a number of negroes, and indicates the necessity such colonists would have of the means of purchasing, and that of coming beforehand to make their acquisitions and other arrangements previously to the arrival of their negroes.

It appears, besides, that the effect that the clearing of new lands would have on the health of the old as well as new colonists has been forgotten; this effect, however, is always very sensibly felt in the most healthy climates, and it would be to commit a most inexcusable error to leave it out of a calculation like the present, in a colony under the torrid zone, where the causes even of the fertility of a soil covered with trees must have a pernicious effect on the lives of the first settlers. Whoever has studied the nature of the settlements in the Antilles, must know, that it is not he who begins, nor even his immediate successor, who reaps the fruit of his laborious enterprise.

If these objections are well founded as to the white and free colonists, how much more strongly do they apply to the negroe slaves, who, still more closely subjected to the influence of the new-cleared lands, and obliged to vanquish every obstacle by their own efforts, or to sink in the attempt, would not fail to fall the victims of such frequent and multiplied causes of destruction.

V.

An augmentation of cultivation.

WE are now arrived at the most important point; for the great object of every colony being to provide the mother country with such produce, in exchange for her manufactures, as she may have in exchange with other nations, it is very clear that the French colonies of the Antilles, which supply articles not produced in France, must be useful in proportion to the extent of their cultivation.

The calculation with respect to increase of culture from the cession, stands on false ground. First, the annual mortality of the negroes of Saint-Domingo has been reckoned at no more than a thirtieth, and it is certain that it ought to be a twentieth. This proportion ought not even to be attributed to the treatment of the negroes, because if mismanagement destroys some slaves, there are some privileged places where the climate diminishes the loss, so that this proportion of a twentieth, or five out of a hundred, may be adopted as the true one.

To be fully convinced of the moderation of this computation, we have only to consider the mortality of the whites, who cannot be effected by misman-

agement; this is at the rate of five out of a hundred at least, and much higher, if the troops are included.

Thus, out of five hundred thousand French negroes, which is the number we may now reckon at Saint-Domingo, the annual supply for deficiency ought to be twenty-five thousand. It is true, that in these twenty five thousand, we must include those born in the colony, which amount to a sixtieth, which proportion, I know, might be augmented by a regime more favourable to the condition of the mothers, such as is seen on habitations where the births sometimes supply the deficiency occasioned by the deaths. But, on another hand, we see that these twenty-five thousand new negroes are not a certain supply; because the length of time necessary for getting them in Africa, the voyage, the season in which they arrive, all have an influence, more or less, on the difficulty of climatising them, independent, of other local circumstances.

We may, then, look on the number of sixteen thousand, annually required in the French part, as below rather than above the mark, after making the balance of the deaths and births.

Following this proportion for the six hundred thousand negroes, the number supposed necessary for the Spanish part, we shall find the bill of mortality to amount to thirty thousand, the births to ten, and, consequently, the supply to twenty.

Adding these supplies together, since we are speaking of an augmentation of culture and supposing, surely, that the French part is not to be abandoned

in consequence of the cession, we find that the number of negroes, to be obtained annually, amounts to thirty six thousand. This number may, indeed, be reduced to thirty thousand, if we allow that a hundred and twenty thousand negroes might be transferred from the French to the Spanish part.

But is not this computation of six hundred thousand negroes for the Spanish part evidently disproportioned to the extent of a country, containing twice, at least, as much arable land as the French part? Whoever knows the territory need not be told that it might furnish employment for fifteen hundred thousand negroes. However, to avoid a charge of exaggeration, suppose a million only necessary; twice as many as are now in the French part (which itself might employ a hundred thousand more), and as many as are in all the French colonies put together, whence could be brought such an immense number for the first stock, and afterwards an annual supply of thirty three thousand?

Here the partisans of the cession point to each particular quarter of Africa, and to Africa altogether, as if naming these countries could draw its inhabitants to Saint-Domingo; but this is the objection:

Why, in the most favourable years this trade has ever known, I mean since the peace of 1783, has the annual importation to Saint-Domingo never give beyond thirty two thousand and some hundreds? We have seen that, in order to keep the French colony in its present state of slave population, the work of a hun-

dred and thirty years, it stands in need annually of, at least, the half of these thirty two thousand recruits. There would then remain but sixteen thousand, with whom it would be ridiculous to begin to make up the required million.

Must I, to make the most favourable suppositions to the opinion that I combat with sincerity, count that two hundred thousand negroes from the Windward-Islands would be transferred to St-Domingo, and that their usual supply would follow them thither? But, there yet remain eight hundred thousand to be found; for if any are taken from the French part, they must always be followed by their proportion of the supply of the sixteen thousand they now require, and the sixteen thousand remaining would be fifty years in producing the eight hundred thousand required.

We shall without doubt be brought back to Africa again, which certainly possesses more than eight hundred thousand negroes. But is this possibility sufficient, as regarding the territory? Does it double and triple the ships, the crews, and the merchandises for the trade, in supposing that the Africans should ever continue in the state they now are?

Ought we not to recollect here what I have said of the little effect produced by the schedules of 1786 and 1789, intended to bring negroes into the Spanish colonies? Let any one look on the poor mean situation of Trinidad, so much boasted of, where emigrants from the French Windward-Islands flocked,

and he will be led to believe, that there is more than one thing of this kind to be counted among mere chimeras.

To give every advantage to the supporters of the cession, I shall suppose that, after the recruits from the other islands and from the French part of Saint-Domingo, there remain but seven hundred thousand to bring from Africa; that they are on board and have crossed the sea. Now, ready to disembark on the shore of the Spanish part, I ask; who has prepared the hundred and seventy five millions of dollars to pay for them?

Do you count upon a troop of new capitalists? But, they must have, besides, enough to purchase the land on which to employ this sum, and if there be a great competition between the cultivators, the price of this land will be considerable enough to add a good deal to the dollars just mentioned! Do you reckon upon the inhabitant, who has abandoned an ungrateful soil for one that is fertile? But, the giving up of this soil is itself a sacrifice; it must ever be accompanied with the abandonment of the improvements already made, buildings already constructed, together with many utensils and others articles of too costly conveyance, and which must be again purchased for the new establishment. The mediocrity, or poverty, that has obliged him to quit his former place of residence, leaves certainly no room to suppose that he is come with a fortune.

Will this emigrant ask credit from the negro merchant

chant? The captain, or agent, who represents this merchant, and who recollects that the person who asks for credit is an old debtor, who has long struggled against ill luck, will surely refuse to trust him. Thus the negroes would remain unfold, and if, against all probability, necessity should oblige the merchant to part with them under every risk, rather than let them die on his hands, the ruin of the merchants would be for France such a loss as, perhaps, the employment of the negroes would never make up for.

Finally, let us even suppose that the pecuniary means of obtaining these negroes should be found, or that by some speculation or other, a great number of negroes should be got for the cultivation of this ceded territory.

How can one help starting at the idea of beginning establishments on it, since it may with truth be said there are none at present? Do those who speak of it with such enthusiasm know what clearing of land is at Saint-Domingo?

Sometimes it is necessary to go to many leagues distance from any settlement whatever, making a road as one advances, in a country where nature itself presents obstacles at every step to the conveyance of every thing wanted on the new land. The cultivator must arrive here provided with provisions and tools. He begins by making an *Ajoupa*, where he puts every thing pele-mele, in order to guard his stores against the weather which he and his hands

are obliged to brave for many a day. The hut must be placed in the neighbourhood of water, and this alone is enough to prove, that its situation is not always the most wholesome.

The ax is first laid to the trees furrounding the hut; it is thus that these possessors of the land are paid for the asylum found under their branches. A fire is kindled to consume those enormous trunks, one day to be regretted; at last a morsel of clear land appears, the center of all the hopes and calculations of the owner.

If he has plants he with anxious prayers commits them to the earth. If they fail, he sets off to seek others. Every thing is carried on the heads of the negroes, a part of whom must be employed to replenish the stock of provisions, which the plantation will not produce for a long time yet to come. The rains render the roads more difficult, the overflowings of the rivers prevents their return at the appointed time.

The moment arrives when lodgings must be constructed, which, however miserable they may be supposed, requires time and labour. The negroes wish for a spot, to be their property and the source of their humble fare. This must be cleared in common, and there is so much time taken from speculative cultivation. The insects attack every plant, and destroy a part of the provisions, render a more frequent supply necessary, more laborious and costly.

The land, however, becomes clear, the forest recedes before its master; but even this success is attended with fatal consequences. The more fertile the land is, the thicker is the wood, and, of course, the clearing is more difficult. The air on this land, newly cleared and turned up, is the most dangerous that man can breathe: its effects are so much the more expeditiously destructive as, in a country at once hot and humid, the contrast between the days and nights is very great. This contrast acts on the negroes, sometimes badly clad, and ever subject to be chilly even in the dog-day heats. Some of the negroes fall sick, and in that state want many things necessary to a man in health, deprived of the help of able physicians and surgeons, they are reduced to a struggle between their natural strength and the well-known force of the climate. This circumstance, which may be more or less extensive, is also various in its effects, because the sickness may light on the workmen more than on those employed in husbandry; and if their sickness is a great evil, let any one judge of that of their death.

When a planter is so happy as not to experience any serious sicknesses among his hands, or any other fatal accidents, such as usually attend a new cleared spot; an eruptive and catching disease sometimes throws all hands down at once, and labours that have been combined for one season re put a stop to by the succeeding one.

Thus the days and the months accumulate, and after a considerable lapse of time the colonist finds himself less advanced than at the first day, because disgust has seized on him, or on his slaves. Happy is the man whom a robust education has formed for such a life ! He who takes to it by necessity is continually tormented with the recollection of the past; and if, after a ten years struggle against his privations, not to say against poverty, he conceives hopes of success, how far is he yet from the time when he can hope to taste the pleasures of ease, and enjoy the fruit of his labours ! How many years must pass away before he can say he has done any thing for himself ; for this is not till long after his industry has added an establishment to those of the colony, and his mite to the riches of the state.

But, this picture, which no one can call overcharged, is that of a settlement formed on a spot surrounded with lands already, in some sort, inhabited ; where there are roads from the shore to the neighbouring settlements ; where other plantations offer the new-comer a cover in their buildings or store-houses ; where friendship, generosity, and colonial hospitality, afford succour of every kind, more especially in cattle of draft, in workmen, and in a multitude of other articles which lend wings to an establishment of this sort. This picture is of a country where the number of new-settlers is small, where their industry already known inspires confidence and commands credit ; where he who sets out has gene-

rally for a partner a man who does not come to partake of his labour and disgust, but who contributes, by advances, to render this season of toil and care of shorter duration. In short, settlements are now undertaken to augment a colony, but not to found one.

Indeed, what example can be cited of a colony founded all at once, and especially a slave-colony? All of them, not excepting that of French Saint-Domingo, have been the slow and successive work of time. Cultivation has arrived at its present state by little and little. It is in advancing from the circumference towards the centre that the colonists have furthered their success; it is in going like Free-Booters to seize on laborious negroes, to employ them on the French soil; it is in becoming numerous, that they have been able to form such combinations as are advantageous to all; it is with profits already made; it is with the advances of commerce, and above all with an age of efforts, in a climate that has mowed down men by thousands, that at last they are become an opulent people.

Again, let one single example be cited that forms an exception to this rule, and that has been sanctioned by success. If we will but remember it, the colony of Spanish Saint-Domingo is the most apt as well as the most terrible example. With a million of Indians it was the astonishment and ought to be the admiration of the world, at least as to its riches. But, alas! With these unfortunate wretches, all has disappeared. There

was, however, nothing to establish, but only to keep up. The African has been called in to replace the American, but the latter cost nothing but the trouble of subjugating, while the other must be brought; from this only circumstance all has since been decay, and the negligence of the Spanish government has finished what the thirst for gold had so horribly begun.

I am not ignorant that, not long since, a new canton was, in some sort, created at *Plymouth* at St-Domingo, in the dependence of Jeremy. But, when the value of the coffee gave the idea of going to seek it in a propitious soil, there were settlements already formed at Plymouth by a few patient and laborious men, hardened to toil, insensible to the most cruel privations, or by people of colour, who had supplied by the length of time the want of energy and assistance; and it is even to the proofs of the fecundity of the soil, manifested by these first essays, that those who have followed them in such numbers are owing. And, as I before observed, the greatest part of the settlements at Plymouth were of men, who had already pecuniary means, among which I count, credit; and, if any one will give himself the trouble of making inquiries in this respect, he will soon find that the present possessors are not the first, who, as it will almost always happen, experienced nothing but the pain and trouble inseparable from the fate of the first settler.

But, finally, where has it ever been thought of to form a colony all at once, and to do it with men

not climated, or not accustomed to a country such as is the Spanish part, at this moment. Is it possible that men should be so mistaken as to reason with regard to the negroes destined for this land, as if they could be compared to those now in the French part ! To talk of the mortality at a twentieth ! of a sixtieth of propagation, and of no longer wanting an annual supply from without ! Whatever might be got by the six hundred thousand to which these reasoners confine themselves, or the million which would at least be wanted in a country almost naked, without roads, without shelter, where *ajoupas* must be constructed for the march of a regiment ; their destruction would be frightful, and the calculation of the men whose ashes has fattened the land in the French part of Saint-Domingo since 1670, would furnish a proof, which would give me too much pain in the producing.

And yet, these advocates for the cession would, not as was done at first in the Antilles, cultivate ginger, tobacco, and indigo ; that is, produce which requires but a small number of hands to obtain a profit in proportion to that number, and thus arrive gradually at sugar-plantations ; but suppressing almost all these intermediate degrees, we are now called upon to double the number of the sugar plantations in the French colony.

Have these writers a correct idea of a sugar establishment, capable of defraying its expences, of affording a just compensation for the fatigue and pains attending it, and for the industry that it supposes ?

For, if they talk of such sugar plantations as those now in the Spanish part, and which, such as they are, have cost some pains, they must not talk of an augmentation of culture.

In a sugar plantation, worthy of that name, it is not easy to conceive the space that there must be between the first day of clearing the land and that when the word *income* is at all applicable. The difficulties from the want of roads, of provisions, are almost invincible obstacles. To dig the holes for the canes, there must be negroes, strong, vigorous, and, consequently, climated; to turn the smallest mill, costly animals, and these must have care; for, the construction of a water mill requires an assemblage of things not always at hand.

The better to judge of what must take place, from the moment when he, who has conceived the project of having a sugar plantation, points with his finger to the first tree to be felled, till the time when the plantation produces annually three hundred thousand pounds weight of white or clayed sugar, I shall here give a list of what ought to compose it, when arrived at the last mentioned term.

1. At least a hundred *carreaux* of land, two thirds in cane, the rest for provisions, or left in savanas, in roads, or in divisions between the pieces of cane, &c.
2. About a hundred mules.
3. Two hundred negroes, composed and distributed in the following order.
 120. Labourers.
 34. Children.
 16. Old or infirm, some of whom do trifling things.
 30. Workmen, Servants, Herdsman, Guardians of the provision land, &c.

200.

Of the hundred and twenty labourers, fifteen must always be reckoned at the hospital, where the masters have the humanity to send such as want repose only.

Of the hundred and five remaining, eighty only will be able to dig the holes for the canes, the others will be fit for planting, hoeing, &c.

During the harvest, there are seven negroes employed in an ordinary sugar house, six in boiling the syrop, or sometimes even eight (according to the number of these negroes who are sick), to set the forms, wash them, and clay the sugar.

The feeding of the mill requires two negro women; three negroes to carry the canes from the mill-yard to the cane-box near the rollers, a mill-driver, two

young negroes to clean the coppers and disengage the trashes and four negro women to carry them, to the trash-house each of which ties in her turn.

If there be but one teach, one burner is sufficient; if two teaches, two. Besides, three trash-carriers for a teach and four for two.

One negro to heat the hot-house.

Three cane-carts take eight other negroes.

There are then :

At the boiling house ,	21
------------------------	----

At the mill ,	12
---------------	----

At the stoke-holes ,	6
----------------------	---

At the carts ,	8
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	47
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Of the fifty eight negroes remaining, forty four are cane cutters and fourteen binders, and they must prepare in the morning canes to make from fifty too hundred forms(conical pans); for in the afternoon they hoe or do some other kind of work.

With respect to the thirty artificers, servants or guardians, they are thus distributed :

- 3 Coopers.
 - 2 Carpenters.
 - 3 Masons.
 - 4 Herdsmen.
 - 4 Provision-grounds Guardians.
 - 1 Woman hospital keeper.
 - 2 Coachmen.
 - 3 Washerwomen.
 - 2 Cook and scullion.
 - 2 Foot-men.
 - 2 Female servants.
 - 1 House - keeper.
 - 1 Poulterer.
-

30

This sugar plantation requires, besides, buildings to the amount of twenty thousand dollars, whether dwelling houses, or buildings for the different processes of the manufacture ; it must have canals, sewers, horses, cows, sheep, &c.

Who would not be scared at this long list, one article of which cannot be retrenched ; and if we consider the time necessary to make each individual master of his employment, and for each part to take its proper play in the movement of the grand and fine machine, we shall have an idea of what those speculative men, working on paper, can retrench from duration in order to arrive at brilliant deductions.

And it is believed that an immense surface can

be covered with establishments like, or analogous to this ! or, at least, it is proposed to double the produce of the French colony ! When the manufacture, of which we have here given an imperfect sketch, gives seven *per cent* interest of its value, which amounts at least to a million of French livres, it is a rate which there is no wise proprietor would wish to accept of as an average product, and after such an establishment has been begun above fifty years, within reach of all the means and of assistance of every kind.

I know one of this kind of plantations, near Leogane, situated extremely favourably for carriage of every sort, the furnishing of which began in 1750, by a stock seventy-eight male and female negroes climated, or accustomed to the country. In 1787, the proprietor had bought, since 1750, two hundred and fifty-five other negroes, of both sexes and of all ages, and in this lapse of time there were one hundred and fifty negroes born on the plantation ; notwithstanding all this, the plantation contained, at the end of these thirty-seven years, no more than two hundred and three negroes in all. Here, then, is a loss of nearly four times the original stock.

Yet, five out of a hundred is all that is allowed for loss in the Spanish part ! Is it forgotten, that, when supplies of negroes are thus taken by considerable purchases at once, the loss is immense, and that it has an influence even on the climated stock ? How would it be then, if this stock were little better than a supply taken all at once ! Is it remembered, that

it hardly ever happens that negroes, already attached to a plantation, can, without going out of the same quarter, be transferred to another plantation, without experiencing a remarkable diminution? A negro is a man, a moral being susceptible of affections like all other men, but much more warped by habit than any other. The change of place seems to him as cutting him off from what he is accustomed to look upon as a part of himself. He is identified with his cabin, his garden; he has contracted connections in the neighbourhood, in the quarter, and sometimes even in the town, to the market of which he carries every Sunday his little harvest of herbage. A more lively sentiment, love, for every being is subject to its power, has perhaps places at a little distance from his cabin, the object which is the universe for him. Perhaps, it is here that he goes, when he can, to enjoy the pleasures of a father. And it is believed that all these ties, all these relations, are to be rent asunder without one struggle of his soul, when he is led to a new land, and when he is offered, as the only compensation for all he has lost, more painful labours and more numerous privations! The least thing in the world will plunge the negroes of a plantation thus transferred into discontent, whence comes every evil that this malady of the mind can produce, even death.

To whomsoever knows what a slave colony is, not one of the arguments, opposing those of the advocates for the cession, will not appear solid, and to

which I could not add proofs and consequences that cannot enter into a work of this kind. But, supposing, against all probability, that the negroes necessary for cultivating the Spanish part might be found, no matter where or how; there must be, to bring this cultivation to the same perfection as that of the French part, it will require a space of time the triple of that passed away since the French have inhabited Saint-Domingo; that is to say, about five hundred years.

V I.

An augmentation of commerce.

IF as I flatter myself I have shown, an augmentation of culture is ideal, the consequences deduced in favour of commerce is necessarily problematical.

It will appear clear to every sound judgment, that the objection cited by the advocates of the cession, and which is founded on the great death of negroes, and low price of the colonial produce, has not been solidly refuted.

Undoubtedly there is a sort of equilibrium between the two values, that of the negro and that of the colonial produce; but can nothing destroy it? Is it believed, that the number of consumers increases always with the thing to be consumed? It may be

reasonably supposed, that sugar, coffee, and indigo are not yet within the reach of all those who might be brought to make use of them ; but, is it certain that three hundred millions of livres worth could be sold, or even to the amount of half that sum, more than at present, and what would the Spanish territory furnish, calculated only according to the product of the French part ?

It must be considered, that the number of consumers of colonial produce, is not relative to its pecuniary value alone ; this value, however excludes every one not in a situation to buy it, but there is besides the expence of the carriage from the thing port. Now, this expence is independant of the intrinsic value of the thing carried, or rather, when the carried requires preservative care, as does colonial produce, it must be the greater. For the consumers to augment beyond a certain proportion, the price of the article must fall. If this happens just when the price of negroes must inevitably rise, the equilibrium no longer exists. There will be no longer the means of purchasing negroes, because there will be no longer an advantageous market for the produce ; and if it be true that he who is at anchor with a cargo of negroes, cannot delay the sale of them beyond a certain time, because they would perish, it is as true that he who finds himself under such a necessity, or foresees it, will send no more vessels to the coast of Africa. So that, here is neither augmentation of culture nor commerce.

What, then, are we to conclude from the answers I have attempted to the six propositions in favour of the cession? This only, that the project of making such an addition to the French part, a project that seduces at first view, would not in reality be of the least advantage to the latter, nor to France in general. Its execution would be attended with innumerable difficulties; it would be the work of a long succession of ages, if ever it should be realized, and France would be loaded with nothing but loss, by the expences of government that the new subjects would require, who would preserve their lands and continue to inhabit on them. So that, wanting an administration, however low we may put it at, no less could be expended on it than is at present, and besides, perhaps a more vigilant police would be necessary, and a strengthening of other parts of the public authority which constitutes a government.

In place of pursuing this chimera, let the French zealously employ themselves in carrying their own colony to the highest degree of perfection and utility that it can attain, as it is yet susceptible of an immense increase by the settling of the plain of Arribonite, of the south part, which, despised till towards 1750, has yet, more than forty years since, but an imperfect beginning. Let them recollect, that a hundred and fifty thousand negroes more would find useful employment in their colony, and that, obtained successively, and distributed on land already cleared; coming by way of supplies on
plantations

plantations already formed, and where a certainty of subsistence and proper care await them, to protect them against the dangers which their change threatens them with; put in movement on a manufacture all the foundations of which are laid, where there is a whole the effect of which must ever be favoured, they would certainly produce a sensible augmentation of product. This augmentation would even be proportionally above the number of negroes added to the totality of those already at work, because the expence of their purchase would be almost the only one they would occasion in the manufacture.

The French, in place of exercising their imagination on such distant objects as this cession, should bend all their attention to the perfectioning of the culture in their own part. Let them study what may be most conducive to the preservation of their negroes, of those valuable beings, under whatever point of view they are examined, even under that of the master's interest, since the sweat of their brow rewards his industry with the pleasures of ease. Let a mild and protecting system redound to the advantage of the slave as well as the proprietor; taking as a model the examples multiplied in the colony for twenty years past; let them combine the management of colonial manufacture, so that the negro may there find all the sum of happiness that is proper for him, in extracting from this happiness, a profit for the colonists themselves.

Let it be well remembered, that this plan is much better than the foolish ambition of imitating Spain, who believes that a prince is rich when he can stretch his eye over vast domains, though they should be sterile or neglected.

In all that I have said, I have said not a word about the compensation that Spain would require, and that could not be refused. This compensation, I will venture to say, could be in money only; for as to the exchange of Guadaloupe, it could never take place. We must no longer believe that princes have a right to cede those whom they call their subjects, and whom they have been accustomed to look upon as a sort of private property. Those days of stupid debasement, when such an opinion excited no surprise, are now passed. The cowardly and shameful cession of Louisiana is an eternal record of accusation against the minister, culpable enough to make a gift of Frenchmen without their approbation: What do I say? against their will, and in spite of their affection for their country! Some of them died the death of felons and miscreants, but their blood will for ever cry out against those who shall dare to believe, that Frenchmen are to be sold like cattle. (*).

If France wishes for more territory, if she wishes at once another colony and the means of adding to the riches and population of those she now possesses,

(*). I boast of being married to a Louisianese, whose father and uncle were among these honourable sufferers.

it is Louisiana that she ought to claim; Louisiana, where twenty five years of foreign domination have not made the inhabitants forget that they are French. The forests, flocks and herds that may be multiplied to infinity, offer exactly what the sugar-colonies stand in need of. Here would be found what those colonies are now obliged to solicit from foreigners, who carry on a trade of disadvantageous balance for the colonists, leaving them but an indifferent supply, and stripping them of their money.

And why should France be less precaucious or less enlightened than England? Let her observe the conduct of this power. Seeing a future possibility of losing her sugar-colonies, by some event or other that might deprive her of the propriety or the products of them, her commercial genius has found out a compensation for the future in an advantage she now enjoys.

The vast extent of the United-States of America (the pompous title of sovereignty over which has been torn from her) appeared extremely proper to console her for what an inordinate self-love made her lose, and for what the loss of her colonies may still add to her misfortunes. In consequence of which, she has made it a principal object of her policy, to grasp, by her agents, her loans and advances, the commerce of all the Eastern part of the new empire; and, acting with a degree of artfulness which one cannot help admiring, she has seized on almost all the product of this immense portion, without being obliged, as formerly,

to defray the expences of its government, or to yield it protection in time of war.

Canada, the Island of Saint-John, and Nova Scotia, wrenched from France in a disastrous war, now serve England as a point of strength as well as observation, near a neighbour who cannot be put in the rank of the powers of the earth, 'till armed with a warlike navy. So that the United-States have to fear an attack behind, while the very rumour of a naval force should block up their ports, destroy them without needing to set foot on shore. They will therefore be obliged a long time to wish for peace, being totally incapable of carrying on a war to render them as independent on the ocean as they are in their own territory.

Thus every occasion and circumstance has been taken advantage of by England, to turn to her profit not only the errors she had committed, but also what she fears from the effect of time, which may bring with its events that may change the political system of the whole world.

What Great Britain has done is an example, or rather a lesson that France ought to be reproached for not having already profited from. If she would but cast an attentive look over Louisiana, she would at once see what reason and wisdom prescribe. All the Western part of the United-States wants an useful out-let for its productions, it seems to call for an industrious power, capable of teaching it, and of procuring it the means of augmenting its productions and

its riches. The Mississippi offers its propitious waters for this communication so reciprocally advantageous, and Louisiana presents itself as the protecting point intended as a balance against the influence of Canada. It is this valuable province, that ought to save France from the mortification of seeing her rival enjoy exclusively the advantages which she herself would have partaken of, had not a minister, celebrated for every kind of prodigality, been resolved that the cession of Louisiana should form one of the features of his administration.

Spain, if she understands her true interests, must look on the restitution of Louisiana to France (from which it has never been lawfully separated) as a real advantage to herself. This advanced post is more fit, in every respect, for the French; and these truths are so evident, the reasons on which they are founded so clear, that to attempt to develop them would be to go over the first elements of European policy.

I shall conclude with a word to those who wish for the cession. Are these gentlemen sure that the Spanish colonists would prefer the French domination? And if the contrary should happen, and if, profiting of an option which it would be barbarous to refuse, they should quit this land to go to another and mourn for the loss of their country, what would then become of the subsistence they now afford the French part, and the force they present against the common enemy of the two nations?

Perhaps I have dwelt too long on this subject, but

it appeared to me indispensably necessary to put an end to a question already often renewed, and which might leave some minds in doubt.

The only wise plan for the French to pursue, is, to leave the Spaniards in their present possessions, and to excite them, by the example of their prosperous industry, to an endeavour to emerge from their languid state. Energy is all that is wanted for them to find, in their soil and the raising of their cattle, a remedy against the poverty that surrounds them. I have cited some traits, which prove that the Spanish government has at last found that it had too long neglected the advantages to be drawn from its colonies, and this is a good step towards an improvement of the colonists. The two nations may emulate without rivaling each other, and this is what perfectly accords with the interests of both.

I have, for instance, took occasion to speak of bees, and I must add here, they might yet be a considerable resource for the Spanish colony,

In a country where nature ever smiles, where the frost of winter never comes to interrupt the current of her bounties, where the ground is continually covered with fruits and flowers, the subsistence of the bees is always abundant, and their stores, of course, very considerable. In the woods, the nectar of the useful palm-tree offers them a treasure which they seek with avidity, and as soon as the hand of man has set its mark on the soil, and let fall the grain of the Indian-corn, so abundant under the torrid zone,

the bee is sure soon to find a delectable juice in its flower.

The Spanish part has already without the least care, more honey than the whole island can consume. It is sent in barrels into the French colony, where it is retailed at the moderate price of ten pence sterling a quart. But, what would really be a branch of commerce, is, the wax, pretty great quantities of which are now brought into the French part, where it is sold in cags, and at a price that would soon render wax candles cheaper than those of tallow, while there would be no fear of wanting the latter or of paying for them at an exorbitant price in time of war. How many other means might the Spanish colonists employ to their abundant advantage, if they were permitted !

As for those of the French part, let them be content with their lot where industry has more than balanced the numerous local advantages of their neighbours ; let them think themselves happy in the quiet possession of the French part of Saint Domingo, the richest mine of the New World, which I am now going to describe to my indulgent reader.

*End of the second and last volume of the Description of
the Spanish part.*

GENERAL TABLE

OF CONTENTS (*).

The Roman Character denotes the number of the Volume, and the Arabian figure the number of the page.

ADVERTISEMENT,	I, 1
Historical Summary of the events and transactions relative to the boundaries between the Spanish and French Colonies in the island of Saint-Domingo,	I, i.
Topographical and political Description of the Spanish part of the island of Saint-Domingo,	I, 1.
Mountains,	3.
Plains,	11.
Climate and Temperature,	14.
Rivers,	23.
Gales and Hurricanes,	26.
Sketch of the animals minerals and vegetables,	30.
Division of the island under the Caciques,	33.
Extent of the Spanish part,	36.
Character and Manners of the Spanish Creoles,	42.
Bahoruco and its vicinity,	78.
Neybe,	84.
Azua,	87.
Bani or Vani,	98.
City of Santo-Domingo and Territory dependant thereon,	103.
Saint-Laurent des Mines,	161.
Mont-de-Plate,	162.
Boya,	162.
Bayaguana,	163.
Seyvo or Seybo,	164.
Higuey,	165.

(*) This Table is not a translation of Mr. Cobbett.

Samana,	173.
Saint-Yague,	199.
Port-de-Plate,	199.
Ancient Habella,	203.
Monte-Christ	205.
Bay of Mancenilla,	209.
Cotuy,	217.
La Véga,	226.
Saint-Yago,	238.
Daxabon,	250.
Saint-Raphaël,	261.
Hinche,	266.
Banique,	273.
Saint-John of Maguana,	277.
Mineral Waters of Banique,	283.
Ponds,	289.
Roads,	292.
Woods,	301.
Produce,	303.
Game, Fish, Turtles, &c.	305.
Little islands on the Spanish coast of Saint-Domingo,	308.

A

Abuses. Of lands granted for hattes, II, 108. — See *Slaughter-houses.*

Acajoux, (Mahoganies). See *Plain of the Acajoux.*

Achiote. Has been formerly much cultivated, I, 65.—The Indians anoint themselves with it, 304.

Acul. (Bay of). Though we may reckon twenty leagues from this bay to the boundary of both nations on the Northern coast of the island, it is less westward than some part of the Spanish colony, I, 260.

Adamany. Indian name of the island of Saone, I, 311. — See *Saone,*

Administration. The principal seat of it is in the town of Santo-Domingo, I, 137. — Description of that of the Spanish colony, 4, *and the following.* — That of the Spanish colony to be noticed and why it should, 4. — That of Justice, 18. — Civil administration of the colony, 18. — That of the finances, 77. — That of the French colonies has borrowed much from that of Spanish Saint-Domingo, 99. — See *Government ; Inspector general ; Residence.*

Admiral. (High) of the Indies. An office created for Columbus, II, 10. — Yet held by his descendance, 10.

Adventurers. A medley of individuals, from almost all the nations of Europe, I, i *of the Historical Abridgment.*

Africa. Should present the means of cultivating the Spanish part of the island, II, 195. — Objections to this opinion 214. — Reasons which oppose that it could procure men necessary for the cultivation of the Spanish part, 215.

Aguilon. An inhabitant of Vega transports and plants the sugar cane there, I, 303.

Air. Influence of the wind on the qualities which compose it, I, 16.

Alcabéla. (Impost of.) The officers of the Inquisition are subject to it, II, 49. — The officers of the Crusade must pay it, 52. — It is at present fixed at *two and a half per centum*, 80. — When it had been established, 79. — The things which are subjected to it, 80.

Alcade-Major. There is one at St. Yago, I, 243. — There is only one at Spanish Saint Domingo, I, 69.

Alcades of the Prisons. Who appoints them II, 71. — Their duties, 76.

Alcades (Ordinary). II, 26, 69. — Their functions, their appointment, 70. — They cannot be prosecuted before the royal court in the first instance for a civil matter, 71. — They nominate Alguazils, 71. — See *Justice.*

Aldermen. They term themselves Regidores, II, 69. — Their number, functions, 69, 70, 71.

Alguazil of the Country. II, 71.

Alguazil-Major of Cities. They choose their lieutenants, II, 71.—They appoint Alcades of country and Alcades of prisons, 71.

Alguazil-Major of the Royal Court. His duties and privileges, II, 32.—He names the Keepers of prisons, 33.—

Alta-Gratía. One of the names of the city of Higüey, I, 165

Alta-Vèle. A small island on the south side of Saint Domingo, I, 310.—Thus named by Columbus, 310.—Why, 310.

Amina. Chapel of ease, I, 243.

Analysis. See *Mineral Waters.*

Angeline. Chapel of ease of Cotuy, I, 224.

Animals. Those of the colony, I, 66.—They suffered five hundred cows to be killed for the sake of their hides, 66.—Their price in the beginning, 66.—How they divide and distinguish them, 68.—They are almost the only object of commerce among the Spaniards, 74, 77,—II, 99.—The tribute they furnish, I, 74.—They were destroyed for the hide, 75.—Saint Domingo formerly sent some to other colonies, 139.—Those they find in the breakers, 216.—The breeding of cattle nearly occupies all Véga-Réal, 253.—The plains contiguous to the French territory are only employed to raise them, 279.—They thrive better in the plain of Bannique than in that of Saint John, 281.—They are subjected to a tax for the permission of conducting them into the French part of the island, II, 83.—Their price, 102.—What could be their consumption among the French, 137.—The Spanish ox, 150.—Disproportion between the number of cows and bulls, 151.—Reproaches to the oxen of the United States of America, 152.—Value of the different animals, 152.—In what view Spain had diminished the right of exporting from some of her own colonies, 161.—The necessity to which it is supposed their diminution should reduce the French part, 162.—Their number in the Spanish part, their

increase, their reproduction, 163.—Precautions taken to prevent the sale of those which are stolen, 177.—See *Asses, Horse, Mule*.

Anse-à-Grapin. Its situation, latitude and longitude, I, 77.

Anse-à-Pitre. Term of the limits of the two colonies to the southward, I, xxix, 78.—Extent which bears this name, 80.—River of this name, 80.—They serve as an asylum to English ships, 80.

Antilles. Saint Domingo is one of the four great Antilles, I, 1.—Opinion of Buffon respecting them, 6, 7.—Opinion of others concerning those isles, 6.—They have been overflowed by the sea, 7.—Their direction, 7.

Apothecary. II, 86.—Should undergo examination, 87.

Appeal. II, 19, 72.

Archbishop. Of Saint Domingo, I, 121.—The first was the fifth Bishop of Saint Domingo, 122.—Saint Domingo already counts thirty-five, 122.—His suffragans, 122.—Takes the title of Primate of the Indies, 122.—His revenue, 122.—His importance, 122.—The oath which he takes before he discharges the duties of his function, II, 40.—Seat of his residence, 40.—Keeps an Ordinary and has rights on the chapter, 41.—When he may send an ecclesiastic to Spain, 42.—He must make diocesan visits and form synods, 45.—The nomination of the parsons belongs to him, 45.—His honours at public ceremonies, 62.—His claims among the French, 65.

Archbishoprick. That of Saint Domingo, I, 121.—They had made one of Xaragua, 122.—Suffragans of the Archbishoprick of Saint Domingo, 122.

Arms. Those of Azua, I, 97.—Of the town of Saint Domingo 149.—Of Bonao, 155.—Of Port-de-Plate, 200.—Of Vega, 229.—Of Saint Yago, 240.—Of Larez-de-Guaba, 269.—Of Saint John of Maguana, 277.—Those of the whole island of Saint Domingo, II, 3.

Arnotto.—See *Achiote*.

Artibonite (Plain of). The establishment of it should be completed, II, 232.

- Artibonite* (River of). Its primitive name, I, 271.—Its importance and course, 271.—Project of dividing its waters, 272.
- Assembly Colonial*. What it did in regard of the slaughter-houses and taverns, II, 108, 122, 134.
- Affes*. Employed to carry water at Monte-Christ, I, 207.—The finest come from the isle of Aroube, II, 144.—For what purpose employed in the French part of the island, 145.
- Asylum* (Right of). II, 40.—Spain is jealous of it, 169.
- Ataleye*. What happened in its extent relative to the boundaries, I, xxij.—Situation of this Borough, 263.—Its foundation, 263.—Its founder, 263.—There is but one kind of Chapel of Ease in the parish of Hinche, 263.
- Attornies*. There are some at the Royal Court, II, 55.
- Audience* (Provincial). What it is, II, 29.
- Auditors*. What concerns the oldest Auditor when the President is dead or absent, II, 13, 25.—The President takes one of them for an assessor, 15.—They are bound to be assiduous in their duty, 23.—They vote in the inverted order of their reception, 24.—They may be challenged, 24. One only is sufficient that the Royal Court be thought to exist, 24.—The old Auditor owes the same duties as the others, 25.—They carry a wand or white rod, 25.—The Court cannot receive any demand relating to them in civil matters, 26.—By whom judged in criminal affairs, 26.—Summoned in evidence, 26.—One of them is inspector over the public officers, 27.—They are only temporarily nominated, 27.—The conduct prescribed them, 28.—Things which they are prohibited, 28.—They wear a long robe, 29.—They may decorate their horse with hussing, 29.—They can enjoy but one office, 29.—They cannot absent themselves from the island without the royal permission, 29.—They can be cited to receive a reprimand, 29.—They are Judges at Saint Domingo in criminal cases, 29.—They must hold

provincial courts, 29.—The youngest fills the functions of the Fiscal, 30.—One is appointed to direct the administration of the property of deceased persons, 56 to 61.—Honours conferred on them, 63. — *and the following.* When they may attend marriages & funerals, 68.—They visit prisons, 76.—They assist alternately at revenue sales, 79.—The oldest watch over a privilege on certain books, 85.—See *Court Royal*; *President*.

Author. Why he does not comprehend in this work what regards the French revolution, I, & *the following of the advertisement.*—He persists in his opinion on the cession of the Spanish part, 6 *of the advertisement.*—His design of publishing a Description of the French part of Saint Domingo, 7 *of the Advertisement* & II, 239.—He works on the History of St Domingo, I, 7 *of the Advertisement* & 35.—He has had the map drawn under his own inspection, 8 *of the Advertisement.*—He expresses his acknowledgments for the assistance which a book from a Spanish creole of Saint Domingo have rendered him, 35.—What he does to discover the facts relative to the burying place of Columbus at Santo Domingo, 127.—His profession of faith with regard to the Spanish Creoles 307.—His opinion explained on the cession of the Spanish part, II, 199 & *the following.*—His opinion on the cession of Louisiana & the persons that cession delivered up to proscription, 234.

Azua (Canton of). Its bounds, I, 87.—Its advantages, 93.—Perfection of its productions, 93.—Its Woods, 94, II, 301.—Its population, I, 97.—Settlements that might be formed therein, 97.

Azua, (Old Port of). I, 92.—Founded by Don Diègo Columbus, 92.—Plundered by some Pirates, 95, 98.—Its population, 96.—Destroyed by an Earthquake, 96.

———(Plain of). I, 40, 94.—Its fertility, 93.

———(Town of). I, 91.—Its situation, 96.—Praise of its inhabitants, 97.

B

Baboruco. (Canton of). I, 78.

———(Mountains of). Their situation and fertility, I, 78.
 —Their mines, 79.—They are place of refuge of runaway
 Negroes, I, 79, II, 172. — The fugitive blacks are
 their only inhabitants, I, 80.

———(Plains of). Their situation, I, 39. — Their extent, 39.

Band of the South. What it is, I, 34. — See *Part Southern*.

Bani. (Borough of). Its situation, I, 100; II, 202.

———(Canton of). Its situation, I, 98. — Its population, 101. —
 Abounding in cattle, 102. — Subject to droughts, 102.
 — Has some fine horses, 103. — Settlements which
 might be made thereon, 103.

———(Plain of). Its extent, I, 40, 101.

Banique. (Borough of). Its situation, I, 273.—Founded by Diègo
 Velasquez, 273. — Has a small garrison, 273.

———(Canton of). I, 172. — Its population, 274. — Its
 animals, 281. — Mineral Waters, 283.

———(Plain of). I, 273. — Its climate warmer than that of
 Saint-John's plain, 281.

Banister. Famous English pirate, I, 176. — Gave his name to
 some little islands and a port of the Bay of Samana, 176.

Bank of Saint-Charles. Is known in the colony, I, 60.

Bar. Of the Port of Santo-Domingo, I, 113.

Bay, of Arrows.—See *Samana*.

———of Balm. I, 199.

———of Cosbeck, I, 197.

———of Grand Pierre. I, 260.

———of Horses, (Horse-Bay). I, 167.

———of Mancenilla, I, 209. II, 199, 200, 202, 203.

———of Monte-Christ. — See *Monte-Christ*.

Bay of Neybe. — See *Neybe*,

—of *Ocoa*. — See *Ocoa*.

—of *Samana*. — See *Samana*.

—(Scoth). — See *Bay of Cosbeck*.

—of *Yuma*. — See *Higuéy*.

Bayaguana. Its situation, I, 163.—By whom it has been formed, 163.—Its population, 163.

Bayaba. The Buccaneers were settled on a litte island of that bay before 1663, I, iij of the *abridgment*—The Spaniards would oblige the French to quit it, x.—Its Spanish inhabitants passed over to Bayaguana, 163.—The lands there were given up for hattes, II, 108.—See *Fort-Dauphin*.

Béate.—See *Cape la Béate*.

Béate (Island la). I, 39.—Its situation, 308, 309.—Its extent, 309.—It causes shipwrecks, & why, 309.

Bees. I, 53, II, 238, 239.

Bègue. Why the French thus call *Véga*, I, 231.

Bebechio. Cacique of the Kingdom of Xaragua, I, 34.

Birds. Those of Saint Domingo, I, 30, 305.—Those of Neybe, 85, 306.—Those of the bay of Samana, 192.—Those of Azua, 306.

Births. Proportion of that of the Blacks, II, 195, 213, 228.

Bishop. First who discharged the Episcopal functions at Santo-Domingo, I, 122.—Those of Cuba & Porto-Rico are suffragans of the archbishoprick of Santo Domingo, 122.—Privileges of the Bishops of Saint Domingo, 123.—Concordate between the King & Bishops of the colonies, 123.

Bishoprick. One intended at Larez de Guaba, I, 121, 269.—One established at Véga, I, 121, 229.—One at Santo Domingo, 122.—Places annexed to that of Véga, 230.—Places annexed to that of Santo-Domingo, 230.—Bishoprick of la Véga united to Santo Domingo, 230.

Bonao. Its situation, I, 155.—Whence this name is derived, 155.—Founded by Columbus, 155.—Its arms, 155.

- Bonnaventure.* Its actual state, I, 110.—Its situation, 155.—Built by Ovando, 155.—Its mines, 219.
- Books.* Enquiry into those proscribed by the inquisition, II, 50, 85.—Those for the Church, 85.—Should they print some at Santo Domingo, 85.
- Borough.* It differs not from a town but in importance, II, 68.
- Botany.* Santo Domingo offers Botany an additional treasure, I, 31.
- Boundaries.* Abridgment of facts relative to them, I, 1 & the following to liij. — Determined in 1777, I, 78.—Ordinances which fix Rebouc as the frontiers of the two nations, 247.—Part of the Boundary line, 259.—See *Treaty*.
- Boya.* Has some of the remaining descendants of the aborigenes of the island, I, 59, 162, 163.—Its situation, 162.—Asylum of Cacique Henry, 162.—Has a celebrated Church, 162.
- Breeze (Land).* I, 15, 16, 17.
- Breeze (Sea).* I, 15, 16, 17.
- Brothers.* — See *Seven Brothers*.
- Buccaneers.*—See *French*.
- Buffon.* His opinion on the Antilles, I, 6.
- Bull.* Observation on this animal, II, 147.—The Spanish Creoles employ them to fight, 150.
- Bull-fight.* I, 150.
- Burning of the Savanas.* I, 76.

C.

- Cacique.* Saint Domingo had five of them, at the time of its discovery, I, 33.—It is asserted that it was one at Boya which took the title of Cacique of the island Haïti, 163.—Some Spaniards cause the Cacique of the isle of Saone to be eaten by a Dog, 312.—See *Henry*.

- Cadix*. A principal place of Spanish Indies's trade, II, 88.
Why it has replaced Seville as to the commerce of America, 125.
- Caiques*. Islands through which they disembogue in the Northern part of Saint Domingo, I, 314.
- Calaluc*. That Charaibe dish is not known to the female Spanish Creoles, I, 49.
- Camou*. A considerable river, I, 225, 256.—They say it may be rendered navigable, 252.
- Canada*. Is a point of strength as well as observation for English relatively to the United States of America, II, 236.
- Canaries* (Islands). They furnish some inhabitants to the Spanish colony, I, 101.—Their inhabitants are called *Ileignes*, 101.
- Cane* (Sugar). Furnished many crops in the plain of Azua without wanting to be renewed, I, 93.—We observe it in the plain of Vega, 226.—Brought from the Canaries, 303.—First cultivated at Vega and by whom, 303.—Who brought it to Saint Domingo, 303.
- Canon*.—See *Chapter*.
- Canonry*.—See *Chapter*.
- Caonabo*. Charaibe, one of the five Caciques of Saint Domingo, I, 34, 276.
- Cape-à-Foux*.—See *Cape-la-Béate*.
- Cape Cabron*. Whence this name is derived, I, 195.
- Cape del Enganno*.—See *Cape Trompeur*.
- Cape Français* (Plain of). The French settled there in 1670, I, iiij, of the *abridgement*.—Laid waste by the Spaniards in 1691, vi.—Laid waste by the Spaniards joined by the English in 1695, vi.
- Cape Français* (Town of). One should subdue it in order to conquer the French part of the island, II, 203.—See *Distance*.
- Cape Grondeur*.—See *Cape Samana*.
- Cape la Béate*. Was formerly the southern point of the boundaries, I. v of the *abridgement*.

Cape la Grange (Barn). Its situation, I, 204.—Why it bears this name, 204.—Columbus called it Cape Monte-Christ, 204.—It is a point for cruizing, II, 206.

Cape la Roche (Rock). Its situation, I, 198.

Cape Monte-Christ.—See *Cape la Grange*.

Cape Raphaël or Saint-Raphaël. Its situation, I, 169.

Cape Rexon.—See *Cape Samana*.

Cape Samana. Forms the eastern point of the Peninsula of Samana, I, 173.—Its situation, 194.—Vessels from Europe or the Windward islands to the Northward and Westward of Saint-Domingo are obliged to make it, II, 190.

Cape Trompeur (Cheat). Its situation, I, 169.

Captain General. One of the titles of the chief of the Spanish colony, II, 11.—Name of a military rank of Spain, 12.

Carraque. Comparison of its cocoa with that of Saint-Domingo, I, 64.—The horses of this province are superior to those of Saint-Domingo, 96.

Carreau (Measure of land). Its dimensions, I, 82.

Carthagena. Saint-Domingo favored the settlement of it, I, 141.

Cathedral. Description of that of Santo-Domingo, I, 125, and following—Contains the ashes of Christopher and Bartholomew Columbus, 125.—Keeps the celebrated cross of Véga, 135.—Many chiefs of the colony have been buried there, 135.

Cattle.—See *Animals*.

Cavern. There are some full of Human bones, I, 85.

Cayacoà. One of the five Caciques of Saint-Domingo, I, 34.—Goes on board of a vessel of Christopher Columbus, 173.—His widow embraces christianity, 173.

Cayes d'argent (Silver keys). Rock, 313.

Census. How made, I, 138.

Ceremonies public. Those which take place at church, II, 61.—
See *Honours*.

Cerre. Signifies a little hill, I, 88.

Cession. Of the Spanish part to France. Examination of that question, whether this cession would be advantageous to France, II, 186.—When it has been talked of that cession, 186.—It was said that in exchange Spain obtained Guadaloupe, 187.—It is not likely that Spain consent to it, 187.—Motives on which they found its utility, 188.—Why the military defence of the island should gain by the cession, 188.—By it the navigation would be rendered more safe in time of war, 190.—It would procure a more certain subsistence, 191.—It would give rise to an increase of population, 192.—It would better the condition of the negroes, 193.—It would give occasion to find in the Spanish Creoles a militia fit for the climate, 193.—It would increase cultivation, 194.—It would favor commerce, 197.—Has been supported by a memoir of Mr. du Buc, and by another of Mr. Le Brasseur, 198.—It affords no advantages towards the defence of the island, 199 to 205.—It does not render the navigation more safe, 205.—It would not give a greater certainty of subsistence in cattle, 206.—Objections against the increase of population which they expect from it, 213.—Reasons to believe that it did not improve in culture, 212.—Difficulty of paying the negroes necessary for the cultivation of the Spanish part, 216.—Argument against the cession, drawn from the difficulty of clearing the lands, 217.—Doubts on the increase of commerce which they suppose it might produce, 230.—Is not advantageous to France, from which it would require the expences of government, 232.—It cannot be done without the consent of the Spanish colonists, 237.

Cession. Of a country to another nation, II, 234.

- Chain.* The mountains have several, I, 3, 38.—The most extensive and highest, 39.
- Chain* (First). Of the mountains of Saint Domingo or the Chain of Cibao, I, 39.
- Chain* (Second). Or Chain of Sevico, I, 39.—Beautiful fight it procures, 159.—Its military advantages, II, 201.
- Chain* (Third). I, 88.
- Chain* (Fourth). I, 103.
- Chain* (Fifth). I, 103.
- Chain* (Sixth). I, 104.
- Chain* (Seventh). Or Chain of Pardavé, I, 104.—Magnificent prospect it commands, 156.—Its military advantages, II, 201.
- Chain* (Eighth). I, 237.
- Chain* (Ninth). I, 238.
- Chain* (Tenth). I, 271.
- Chain* (Eleventh). I, 271.
- Chain* (Twelfth). I, 275.
- Chain* (Thirteenth). I, 277.
- Chain* (Fourteenth). I, 279.
- Chain of Monte-Christi.* It don't belong to Cibao, I, 172.—Its direction, 172.
- Chamber of Agriculture.* I, 145.
- Chancellor* (Great). Of Spain.—Has a Lieutenant or Delegate near the Royal Court, II, 17, 35.
- Chancery.* One united to the Royal Court, II, 17, 35.
- Chaplainship.* What it is, I, 199.—See *Oratory*.
- Chapter.* When that of Santo Domingo has been established, I, 124.—How it was composed, 124.—How it is at present, 124.—Revenue of the Canonries, 124.—Archbishop has power on it, II, 41.—Honours conferred on him, 64, 65.—When he cannot carry an umbrella at processions, 65.
- Character.*—See *Creoles Spanish*.
- Charaibe.*—See *Caonabo*.
- Charlevoix* (Father). Cites a name of Saint Domingo, I, 1.—

- Has said that Samana was a Peninsula, 181.—Writes the history of Saint Domingo, principally after the memoirs of Father le Pers, 181, 235.—His opinion on the number of rivers of Véga, 226.
- Charritte* (M. de). Makes great exertions to form Hattes, II, 103.—He forms a Hatte at Jaquezy, 103.
- Chastenet-Puysegur* (M.). His astronomical observations for the Map of Saint Domingo, I, 3.
- Chevalerie*.—Measure of land, II, 84.
- Chief of the Spanish colony*. His titles, II, 11.
- Children*. They are commonly raised with no great deal of difficulty, I, 51.—Those of a slave, must be sold, in preference to their Father, if he be a Spaniard, 56.
- Chocolate*. The delight of the Spaniards, I, 50.—The best is composed of an equal mixture of the Cocoa of Caraque and that of Saint Domingo, 64.
- Choiseul* (Duke of). See *Louisiana*.
- Choiseul* (Viscount of). French commissary for the Treaty of Boundaries, I, xxxi.—*Of the historical abridgement*.
- Church*. The men are on one side and the women on the other at church, I, 45.—Why they are so common, 47.—That of Azua, 96.—Three Parish Churches at Santo Domingo, 136.—Wealth of those of Santo-Domingo, 136.
- Cibao*. Its mountains contain mines, I, 5.—What is said of its Volcanoes is uncertain, 10.—Its Climate, 18.—Its group is the highest spot of the whole island, 38.—Situation of this group, 38.—Derivation of this name, 232.—There was a province of the same name, 234, 235.
- City*. In what it differs from a town, II, 68.—It can have certain agents, 70.
- City-House*. That of the city of Santo-Domingo, I, 125.—See *Corporation*.
- Clarissans*. Nuns at Santo Domingo, I, 136.

Clearing. Its nature at Saint Domingo, II, 217.—*And following.*

Clergy. Their immunities, II, 40.—Objects for which they must model themselves on the foundation of the Cathedral of Seville, 41.—Precautions required of the Royal Court towards them, 44.

Climate. That of the island of Saint Domingo, I, 14, 22.—Causes of its change, 14.—That of the highest mountains, 18.—That of the city of Santo-Domingo, 118.—That of the valley of Constance, 237, 281.—Of Saint Yago, 242.—That of Saint Raphaël, 262.—Of the Western part of the colony, 280.—That of the Spanish plains, 281.

Coast. Not so healthy as the interior part of the island, II, 22.—From the mouth of the River of Anses-à-Pitre to Cape Béate or Cape Bahoruco, 80.—From Cape Béate to Petit-Trou, 83.—From Petit-Trou to Bay of Neybe, 84.—From Bay of Neybe to that of Ocoa, 92, 97.—From Salt-pit Point or Copper point, the Eastern extremity of the Bay of Ocoa, to the mouth of the river Nisao, 101.—From mouth of the river Nisao to that of Ozama, 111.—From Ozama to little Palm-Tree Point, 168.—From little Palm-Tree to the Point de l'Epée, 169.—From the Point de l'Epée to Cape Raphaël, 169.—Of the interior of the Bay of Samana, 173 to 185.—From Cape Samana to River Mafacre 194 to 217.—Of the small islands which lie on the Spanish side of the island, 308 *And following*—From the River Jayna to that of Neybe, II, 202.

Coast of Spain. They go there to seek mules, II, 111.—What they understand at the islands by this denomination, 111.

Coast of Iron.—See *Rib of Iron.*

Coat of arms.—See *Arms.*

Cock-roach-stones. Signification, I, 9.—Idea of their formation, 9.

Cocoa. Was a source of wealth to the Spanish part, I, 64.—They cultivate it near Santo Domingo, 151.—Cotuy is very peculiar to it, 222.—They have some at Vega, where the soil is most favorable to it, 253, 254.—The Hurricanes prove very destructive to it, 254.—Its culture more lucrative at Santo Domingo than at Carraque & wherefore, 254.—Very dear to the Indians which made use of it as of a kind of money, 304.

Cocoa-Plantation. Some settlements of this kind in the canton of Santo Domingo, I, 151.—In Vega, 253, 254.

Cocoa Trees.—See *Cocoa*.

Code.—See *Laws*.

Code criminal. That of the Spanish colonies less rigorous than that of the French colonies, I, 120.—The same as in Spain excepting pecuniary penalties, II, 77.

Coffee. They cultivate but a little of it in the Spanish Part of the island, I, 62.—The first was brought from London, 62.

Coffee-Plantation. A great number of them could be established in the Parish of *Water-Mills*, I, 107.

Coffee-Tree. Its cultivation spoils the soil, I, 20.—Little cultivated, 304.

College. One founded at Santo Domingo by the Jesuits, I, 137

Colonies. Spain is desirous to render the access to her own Colonies most difficult, II, 87.—Means she employs for holding them, in somme manner shut up, 87.—True destination of the Colonies, 212.

Colonist Spanish.—See *Creole Spanish*.

Colony French.—See *Part belonging to the French*.

Colour.—See *Prejudice*.

Columbus (Christopher). Discovers Saint-Domingo in 1492, I, 1.—Names Saint-Domingo Hispaniola, 2.—It is said he has given the name of his father to Santo-Domingo, 114.—His remains were deposited in the Cathedral of Santo-Domingo, 125.—He died at Valladolid, 126.—His body removed to Seville, 126.—His epitath in the

Cathedral of Seville, 126. — His conveyance to Santo-Domingo, 126. — How the circumstances of this burial are known, 127 *and following*. — Epitath which is said to have been in the Cathedral of Santo-Domingo, 132. — Obscurity in which these particulars are involved, 132. — Titles which he obtained from Spain, 133. — His descendance possess his immense property regardless of his glory, 133. — The duke of Liria is the actual possessor of his fortune, 134. — He discovers the fourth part of the world which bears the name of another, 134, 203. — Base ingratitude towards him, 134. — The instrument proving his interment is already fought in vain, 135. — The persecution he suffers is fatal to the Indians and becomes the cause of ruin to Saint-Domingo, 140. — Founds Bonao, 155. — It is from him that Old-Cape-Français receives its name, 198. — Port-de-Plate owes its name to him, 199. — His gratitude to Queen Isabella and proof which he gives of it, 203. — He names Cape Monte-Christ, 204. — He names River Yaqui, River of Gold, afterwards Reedy-River, 207. — Véga-Réal receive its name from him, 228. — What he understood by the denomination of Véga-Réal, 228. — He defeats the Indians near Véga, 228. — Names Green-River, 239. — Passes in the canal between Cape Béate, and island Béate, 309. — It is he who gives a name to Alta-Vèle, 310.

Columbus. (Bartholomew). Brother of Christopher. — Founds Santo-Domingo, I, 114. — The common opinion is that he is interred in the Cathedral of Santo-Domingo, 128, 130, 131. — Aids Columbus to subdue the Indians near Véga, 228. — Is present in the town of Véga during a revolt, 228. — Obtains the property of Mone. 312.

————— (Diego). Son of Christopher. — Causes a superb edifice to be built at Santo-Domingo, I, 115, 124.

Commandant of the Arm. He is commonly one who has the mili-

- tary command under the President, and serves in his stead in this part, in case of absence or death, II, 12.
- Commerce.* The colony has none with the Metropolis, I, 61. — There scarcely exists any trade but that of animals with the French, 77; II, 99. — How carried on between Spain and her colonies, 125, 126. — Liberty which Spain has sought to give to that of the colonies, 161. — It would be increased by the cession of the Spanish part to France, 197. — Why it is problematical that it can be increased by the cession of the Spanish part, 230.
- Commissary with the Spaniards.* Name of a French resident in the Spanish part, II, 178. — His functions, 178. — When the first had been established, 178. — His former privileges, 178. — His actual fees, 179.
- Company of Barcelona.* — See *Company of Catalonia*.
- Company of Catalonia.* Had the exclusive commerce of the colony, I, 62. — Whence it takes this name, II, 126. — It is the same as the Company of Barcelona, 126.
- Company of Saint-Domingo.* Its establishment, vii of the *abridgment*. Extent of its concession, vii of the *Abridgment*. II, 187.
- Compliment.* — See *Envoy*.
- Conaco.* (Provision-farm). Place where they cultivate provisions, I, 65.
- Conception of Véga.* — See *Véga*.
- Concordate.* There is one between the king of Spain and Bishops of the Colonies, I, 123. — One between the king and Saint Siege, II, 41.
- Confiscation.* It is a branch of the revenue, II, 81.
- Constance.* Valley of this name, I, 232, 236. — Its situation, 236, II, 201. — Its extent, I, 236. — Its advantages, 236. — Its climate, 237.
- Contador.* His rank at Public ceremonies, II, 64. — See *Officers - Royal*.
- Continent.* The discovery of the continent of Spanish America contributes to depopulate Saint-Domingo, I, 139.

Contraband. Supported Saint Domingo a little, I, 142, 144.—
Laws in this respect, II, 81.

Convent. There are three of men at Santo Domingo, I, 136.—
There are two nunneries at Santo-Domingo, 136.—Respect
due by the President & Royal Court to the Convents of
Women, II, 44.

Cordeliers. There is a Convent of them at Santo Domingo, I,
136.—Ovando causes their Convent to be built at his
own expence, 136.

Corn. Succeeded perfectly well in the Valley of Constance, I,
237.

Corporation. That of Hinche has an Officer of police, I, 268.—
They receive at their own cost some copies of the laws
& regulations which concern them, II, 39.—Honours
rendered them, 64.—They have the municipal police,
68.—Where they assemble, 69.—Their constitution,
rules, functions, 69.

Cortez. This conqueror of Mexico was register of the municipi-
pality of Azua, I, 93, 273.

Cortez (the). Kind of States general of Spain, II, 5.

Cotton.—See *Cotton Tree*.

Cotton-Tree. Natural production of Saint Domingo, I, 62.—
The Spanish Creoles do not cultivate it, 62.

Cotuy (Canton of). Its situation, I, 217.—Its population, 220.—
Has some poor inhabitants, 220.—Its inhabitants are
much accustomed to rear Hogs, 221.

Cotuy (Town of). Its situation, its extent, I, 218.—Its former
situation, 219.—Name it had heretofore, 219.

Council. There should be provincial & synodal Councils, II, 41.

Council of the Indies. Is the first agent of the royal power over
the Spanish Colonies, II, 5.—How it is composed, 5.—
Its powers, 6.—It presents for places, 8.—Proposes new
laws or the abrogation of those existing, 38.—It only can
interfere with the government of the Colonies, 40.—
Receives *supplication*, 72.—Sends inspectors-general to
the Colonies, 92.

Councils superior of the French Colonies, II, 108, 122, 134. —
See *Assemblée Coloniale*.

Counsellor. Those of the Royal Court, 119. — See *Auditor*; *Court Royal*.

Counsellor of the Council of Port-au-Prince. Received with considerable honours by the Royal Court at Santo Domingo, I, 121.

Counsellors at law. When called on to decide on matters in Court, II, 21. — They some times act in the Fiscal's duty, 30. — Their duties and functions, 53, 54. — One of them is Counsellor for the poor, 53.

Court provincial. — See *Audience provinciale*.

Court Royal. When installed at Santo-Domingo, I, 119, II, 17. What it is, I, 119. — Members that compose it, 119, II, 17. — Drefs of the members, I, 119. — Its territory, 119, II, 17. — Particulars concerning it, I, 119. — The part it takes in the administration of the colony, 120. — Whence its members, 121. — Consideration attracted by its members, 121. — Its secret deliberations, II, 14. — Do not go in mourning for the President, 15. — Its competence, 18 and following. — Can't make informations against the President, 20. — What must be done when the President dies, 28. — Must protect the inferior courts, 20. — Its proceedings when suffrages are equal, 21. — It cannot mix with the contestations relative to nobility, 21. — It takes cognizance of appeals as of abuse in ecclesiastical matters, 21. — Its internal discipline, 21. — Its sessions, 21. — Order in the dispatch of business, 23. — All its decrees signed by the judges, 23. — It determines, by a majority, 23. — When the votes must be written, 23. — Its registers 23. — It fills the office of the President when dead or absent. 24. — What it can dispose of to defray its expences, 25. — It goes in mourning for the royal family, 25. — Its proceedings at entering on business every year, 25. — It regulates the fees of the pursuits, 25. —

Cases where it must not receive certain demands, 26. — Its members cannot absent themselves from the island without the king's permission, 19. — Its rights relative to the archbishop, 44. — Regard it owes to the clergy, 44. — Its counsellors, 52. — Attorneys, Interpreters, Door-Keepers, 55. — In what cases its public officers depend but on it, 56. — Honours received at church, 62. — Out of church, 64. — Proceedings on appeals from decisions of the president, 72. — See *Auditor ; Chancery ; Fiscal ; President*.

Cove. — See *Anse*.

Crabs. The Mangrove-tree conceal innumeral quantities of them, I, 215.

Creoles Spanish (Men). Their character, Manners, I, 42 and following. — Their dress, 43. — They are superstitious, 47. — Sober, 49. — Their food, 49. — Their usual drink, 50. — They do not eat salad and wherefore, 57. — They are fond of chocolate and tobacco, 50. — They sleep after dinner, 51. — They live a long time, 51. — They have few diseases, 53. — They have poor apartments and furniture, 52. — Their bedding, 52. — Their singing, dancing, 54. — They have scarcely any gardens, 55. — They emancipate many of their slaves, 55. — They have little prejudice against colour, 56. — They use their slaves with extreme gentleness, 57. — Some of them pretend they are descendants from the Indians, 59. — They have hardly any education, 59. — They fit out privateers, 145. — They love the theatrical entertainments, 145. — They are fond of Bull-Fights, 149. — They do not much devote themselves to society, 147. — They visit strangers who come amongst them, 148. — Those of the town of Santo-Domingo carry on no commerce, 148. — Indolent, 157, 182. — They massacre the French of Samana, 188. — They are extremely fond of horses, 280. — They harass the French at the Waters of Banique, 287. — They are in a state of mediocrity only because the government don't

- do any thing to raise them from it, 307. — Their jealous hatred against the French colonists, II, 162, 164. — Their religious ideas incline them to marry, 193. — The care of hattes is analogous to their character, 207. — Resources which the Bees offer them, 228. — See *Cession, Spanish Creoles (Women.)*
- Creoles Spanish (Women).* Their dress, I, 43, 44, 45. — They have fine hair, 43. — They admire flowers, Ear-rings, 46, 55. — In the country they serve their husbands, 44. — They begin to taste Fashion, 45. — They employ themselves at the needle, 45. — They wear a veil or hood in going to Church, 45. — They have not much of graces and wherefore, 46. — Passionate, jealous, 46. — They are commonly pretty lusty, 48. — Manner of embracing them, 48. — They chew tobacco, 51. — They bear children successfully, 51. — They do not give themselves up much to society, 147. — They are agreeable, 147. — See *Creoles Spanish (Men).*
- Criminals.* Their restitution between the two nations, II, 165, 167, 169.
- Crocodile.* The negroes do not fear it, I, 212. — It is not rare, I, 224. — It seizes animals and drowns them, 224. — It does not dread man after having attacked him, 224. — It delights in dog's flesh, 224.
- Crofs.* Celebrated Crofs of Véga, I, 135, 230. — A crustaceous, has the impression of a Crofs, 244.
- Crusade (Holy).* What it is, II, 50. — There is one wherever there is a Royal Court, 51. — Its chief in Spain is a Commissary general of the Crusade, 51.
- Crustaceous.* Effect of their dissolution, I, 13. — Multitude of those which dwell under Mangrove-Trees, 192. — One bears the figure of a cross and two candlesticks, 244. — They add to the means of subsistence, 306.
- Cuba (Island of).* The largest of the Antilles, I, 1. — Its distance from Saint Domingo, 2. — Its Bishop is suffragan of the Archbishop of Santo Domingo, 122. —

Saint Domingo was useful for conquering that island, 139.

Culture. The new cleared lands exempt from tythes, I, 124.—It should increase by the cession of the Spanish part to France, II, 194.—Objections against its increase by the cession, 212.

Cuffy (M. de). Attacks and takes Saint Yago in 1690, I, 241, 246.

D

Dance of the Spanish Creoles. I, 64.—Why the President can only dance with his wife, 147.

Daxabon (Borough of). I, 250.—Its situation, extent, 250.—Its importance, 258.

Daxabon (Canton of). Its situation, I, 250, 259.

Daxabon (River of). See *Massacre*.

Daxabon. See *Daxabon*.

Decay. Causes of that of the Spanish colony, I, 139 and following.

Defence military. That of the North part of Saint Domingo, I, 258.—Defence of the West part of the Spanish colony, I, 288.—The cession of the Spanish part to France should better it, II, 188.—That of the island should receive no advantage from the cession of the Spanish part to France, 199.—and following.

Delivery of Women in Child-bed. Is in general very fortunate and easy through the Spanish part of the island, I, 51.

Demi-Annat. See *Public Revenues*.

D'Ennery (Mr.). Concludes the treaty of the Boundaries, I, xxx.—*Of the Historical Abridgement.*

Debts. Means of obtaining payment of them, *II*, 77.

Description of the French part of Saint Domingo.—See *Author*.

Desert of Saint Yago. What it is, *I*, 256.

Deserters. Their restitution *II*, 165.

Desné Dubuiffon (M.). Praise of this Creole Magistrate, *II*, 122.

D'Estaing (M.). Was very desirous that France should obtain Samana, *I*, 190.

Diseases. Less alarming in the rainy season, *I*, 22.—Disorders on the skin, 23.—Those of the Spanish colony, 52.—Treatment of the Small-pox, 52.—Leprosy, 52.—Those which mow down the Indians, 140.—Those which desolated Saint Domingo, 142.—They suppose that the glanders and strangles have been introduced by the Horses of the United States of America and the carbuncle by their Oxen, *II*, 152.—Those of the troops, 203.

Distance. That from Saint Domingo to Porto-Rico, *I*, 2.—That from Saint Domingo to Jamaica, 2.—From Saint Domingo to Cuba, 2.—From the borough of Neybe to Azua 86.—From the borough of Neybe to the boundary, 86.—From the Guard-House of the boundary of Neybe to Port-au-Prince, 87.—From Santo Domingo to Port-au-Prince, 87.—From Santo Domingo to Azua, 97.—From the Bay of Ocoa to Santo Domingo, 97.—From Bani to Santo Domingo, 100.—From Nisao to Nigua, 108.—From the City of Santo Domingo to Cape François and Port-au-Prince, 149.—From Mont-de-Plate to Santo Domingo, 162.—From Mont-de-Plate to the mouth of Macoriz, 162.—Between Seybo and the island of Saint Catherine, 164.—From Higüey to Santo Domingo, 166.—From Santo Domingo to Samana, 167.—From Cape la Grange to Cape François, 204.—From Cotuy to Santo Domingo, 218.—From Cotuy to Bay of Samana, 219.—From Cotuy to Véga, 219.—From Véga to Santo Domingo, to Bay of Samana, to Cotuy, to Saint Yago, 232.—

From Daxabon to Santo Domingo, to Saint Yago, to Monte Christ, to Ouanaminthe, to Fort-Dauphin, to Cape François, and to Hinche, 251.—From Hinche, to Saint Mark, to the Petite-Riviere of Artibonite, to Verrettes, to Mirebalais, to Cape François, to Santo Domingo, to Port-au-Prince, 268.—From Banique, to Hinche and Mirebalais, 274.—From Saint Raphaël to Santo Domingo, 295.—From Daxabon to Santo Domingo, 296.—From isle Béate to the Cape of same name, 308.—From Altavèle to Frayles, 311.—From Frayles to False Cape, 311.

Distributor of Suits. What it is, *II*, 55.

D'Ogeron. Forms a habitation at Port-Margot, *I*, iij.—*Of the Abridgement.*—Goes to Samana, 186.—Finds the settlement of Samana important, 181.—Causes Saint Yago to be attacked in 1667, 240.—Encourages the first French colonists to cultivate, *II*, 100.

Dogs. Employed to pursue Cattle, *I*, 75.—Inconvenience resulting therefrom, 75.—How they make an escape from Crocodiles, 224.—They prove hurtful to the French hattes, *II*, 106.

Dominicans (Friars). They have at Santo Domingo a Convent founded by Charles V. *I*, 136.—The University is united to this Convent, 136.

Dominicans (Nuns). They have a Convent at Santo Domingo, *I*, 136.

Dondon. Its situation, *I*, vij, *of the Abridgement*, 259, 263.—First concession given in this place, *I*, xii, *of the Abridgement.*—Disputes about the Boundaries vij, xiiij, xvij, xix, *of the Abridgement.*—From thence the Spaniards have brought the grains of coffee which they have planted, 62.

Doer-keeper. The Royal Court has one, *II*, 55.

Drake. This Admiral attacks Santo Domingo, *I*, 142.

Drink. The temperance of the Spanish creoles is again remarkable in their drink, 150.

- Drought.* Period of Drought, I, 19.—Hurtful to animals, 76.—Common in the territory of Bani, 102.—The district of Saint John is subject to it, 282.
- Du Buc* (M.). He wrote a memoir in favour of the cession of the Spanish part to France, II, 198.—See *Cession of the Spanish part*.
- Dye.* Seed fit for dying black, I, 245.

E.

- Earth-quake.* Its effects perceptible in the mountains of the island, I, 10.—Almost always bears a part in the disasters attributed to hurricanes, 28.—That of 1751, 96, 136.—Overwhelms the ancient town of Azua, 96.—Those of 1684 & 1691, 142.—Almost all Vega was destroyed in 1564, 231.—That of 1770, 292.
- Easter devotions.* Rigor of Easter duty, I, 47, 138.
- Ecclesiasticks.* Conditions required of them, I, 123.—They can fill no employment nor carry on any kind of trade or commerce, II, 44.—Regards they are the object, of, 44.—See *Archbishop; Clergy*.
- Echo.* It is false that they have none at Saint-Domingo, I, 25.
- Education.* It fails in general, I, 59.
- Elevation.* Elevation of the site at the Western part of the Spanish Colony, I, 263, 279. — See *Mountains*.
- Encouragement.* It is granted to the new settlements, II, 83.
- England.* The means she has taken to make amends for the loss of the United States of America, and her views relative to the possible loss of her sugar islands, II, 235.
- Ennery.*—See *d'Ennery*.
- Envoy.* The French Administrators depute to the Spanish President, II, 180.—In which case the French Governor sends one, 180.—Honours paid to Envoys, 183.—Indemnity of him who is charged to compliment the Spanish President, 185.

Epitaph.—See *Colombus*.

Epizootie. Is known also in the Spanish part, I, 75.

Equinox. At this time the Winds are very powerful, I, 16.

Estaing.—See *d'Estaing*.

Etendal. Measure of land, II, 84.

Excommunication. Use they make of it, I, 47.

Extent.—See *Coast* ; *Distance* ; *Plain* ; *Saint Domingo* ; *Spanish part*.

F.

Fandinguette. A kind of dance, I, 54.

Fanègue. Measure of land, II, 84.

Farm.—See *Slaughter houses* ; *Tavern*.

Farm of ground provisions (*Polink*). Place where they cultivate roots, herbs and fruits, &c. I, 65.—See *Conaco*.

Fathers of the Order of Mercy.—See *Mercy*.

Fathers of the Order of Redemption.—See *Mercy*.

Fig-tree (*Marine*) Its use, I, 13.

Finances. Their Administration, II, 39, 77,

First-Fruits. The Pope gives them up to the Bishops of Saint-Domingo, I, 123.—They are the same as in the Archbishopric of Séville, II, 43.

Fiscal (*Attorney general*). In what case he gives the casting vote to the court, II, 21.—The President & common Alcades are his judges in criminal matters, 26.—Conduct prescribed him, 27, 31.—He is the king's agent, 29, 30.—He wears a robe, 29.—His functions, 30.—His duties, 30.—Renders accounts to the king, 30.—Things which are forbid him, 30, 31.—When he is hindered from executing his functions the exercise of them devolves to the youngest auditor, or to a Counsellor at law, 30, 31.—He assists at decisions in government cases, 31.—He is a public party in all tribunals and has

his deputies, 31.—He examines the cases of the police, 31.—He inspects the decisions of the President respecting the public treasury, 31.—He renders annually an account to the Council of the Indies concerning the revenue, 31.—He watches the conduct of the ministers of justice, 31.—He is subject to reprimand, 31.—He is aware the temporary nominations of the President of not prolonging, 31.—When he can accuse without an informer, 32.—He can challenge an Auditor, 32.—Accounts which he renders to the Council of the Indies, 32.—He can have a substitute at court, 32.—He examines the causes brought before the Ordinary touching ecclesiastical immunities, 45.—He makes complaint against the disposition made by the ecclesiasticks of things acquired contrary to the Councils, 45.—He must inspect what regards medicine, surgery & pharmacy, II, 87.—His inspection over husbands, 89.—See *Court Royal ; Officiers royal President*.

Fishery. I, 211, 216.

Fishes. Those of the island of Saint Domingo, I, 30, 211, 216, 305.—They abound on the Spanish coast, 49, 306.—Of the Bay of Samana, 192.—Of the Bay of Manzanilla, 211.—They abound in the rivers, 306.

Florida. The settlement of both Floridas contributed to depopulate Saint Domingo, I, 141.

Fly. The worm of which is very destructive to animals, I, 75.

Food of the Spanish Creoles, I, 49.

Forests. Their utility, I, 5.

Fort-Dauphin. The Buccaneers settled on a small island of its bay, I, *ij of abridgment*.—The Spaniards required that the spot where that town lyes should be considered as a point of the boundaries, x, *of Abridgement*.—The interval which separates it from Cape François presents military advantages, II, 203.

Fort-Saint-Christopher, Where it was, I, 110.

Fort-Saint-Jerome. Its distance from the city of Santo Domingo, I, 110.—Its situation, its nature, 112.

Fortifications. Those of Santo Domingo, I, 112.—See *Defence* ;
Fort-Saint-Jerome.

France. She ought to claim Louisiana, II, 235.

Frayles (The). Small islands near the coast of Saint Domingo, I,
 310.—Their situation, 310, 311.

Free-Booters.—See *French.*

Freed people of colour. Their number, I, 55. — The law against them are become obsolete, 57.—They may be priests if not negro-men, 57.—They form a part of the population of the parish of *Water-Mills*, 107.

Freeing slaves. Its increase, by what motives, I, 55. — Government requires no compensation for the ratification of it, 56.

French. Remaining alone from Adventurers, Free-booters and Buccaneers, seize a part of Saint Domingo, I, 3.—Twice they plunder Saint-Yago, 240. — Nature of their first settlements at Saint Domingo, II, 100 & *following*.

Fruits. Some fruits of Europe have thriven at Saint Domingo, I, 31.—The island offert them plentifully, 305.

G

Gales (Southern). Whence comes this name, I, 29.

Galifet (M. de). Encourages the establishment of the hattes, II, 109.

Galleons. Two were lost in the bay of Samana, I, 175.— They were formerly the means of commerce between Spain & America, II, 125.

Galvez (Don Bernard de). Exception to which he gives place, II, 8. — His praise, II, 8.

Game. I, 305.

Garcia (Don Joachim). Spanish commissary for the treaty of Boundaries, I, xxxj of *Abridgement*.

Garden. The Spanish Creole thinks little about them, I, 55.

Gate.—See *Porte*.

Ginger. Importance of its culture formerly, I, 65.—Where its culture is yet preserved, 304.

Gonaïves. The Spaniards encroach there on the bounds, I, xvij
of *Abridgement*.—Nature of the soil between Gonaïves
& Mole Saint Nicholas, 10.

Gonaïve (Island). Effect respecting the wind, attributed to the
direction of that small island, I, 21.

Government. What government the first French settlers at Saint
Domingo, was obedient to I, ij, of *Historical Abridge-*
ment.—It is to the Spanish government that they must
ascribe the indifferent state of the colony, 307. II, 152.
—On whom the civil government devolves in case of
absence or death of the President, II, 13.—See *Court*
Royal; *President*.

Governor. One of the titles of the chief of the Spanish co-
lony, II, 11.—His competence, 11.—See *Presi-*
dent.

Grazier. See *Herdsmen*.

Grenadins. See *Antilles*.

Grimouard (M. de). Shipwrecked in the Bay of Samana, I,
177.

Guacanaric. Cacique of the kingdom of Marien, I, 33.

Guadaloupe. See *Cession*.

Guarionex. Cacique of the kingdom of Magua, I, 33.

Gulph of Mexico. Saint Domingo is situate at its entrance, I,
1.—Some suppose that the island between the Oronoque
and the channel of Bahama where the tops of a chain
of Mountains running across a country, the submer-
sion of which produced that gulph, 6.

Gusman (Don Joseph). Founder of Atalaya, I, 263.—Is made
Baron of Atalaya, 263.—His virtues, 263.

Guyabin.—See *Rebouc*.

H

Hail. I, 22.

Handkerchief-Square. (Shoal). Its situation, I, 313, II, 190.

Hattas. Signification, I, 67.

Hattes. Signification, I, 43, 65. — How they distinguish the hattes, 65. — They are of an immense extent, 67. — They contain different hattas, 67. — How they are governed, 68. — The concessions for hattes are considered as the first, II, 83. — Extent of territory conceded to them, 84. — The Spaniards sold the produce of them to the French since 1685, 102. — They began in the Northern part in the French colony, 102. — Names of the first French *Hattiers*, 102. — Their number already decreased in 1712, 104. — Necessity of limiting them, 138, 146, 150. — Defects of their regimen, 143. — Advantages they could receive by the cession of the Spanish part to France, 191. — Reasons to think that the cession of the Spanish part would injure them, 206.

Hattier. — See *Herdsmen*.

Havannab. The packet coming from Spain every month, goes thither after having anchored at Monte-Christ, I, 148.

Henry. (Cacique), Gives his name to one of the Ponds, I, 85. — Retires to Boya, 162. — He obtains from Charles V the title of Don, 163.

Henriquille. — See *Henry. Pond of Henriquille*.

Herb. — See *Savana*.

Herdsmen. His apartment, Furniture, Bedding, I, 69. — His food, his exertions, 69. — His strength, his dexterity, 70, 71, 72.

Hermit of the Bay of Samana. I, 193.

Hide. Bed of the Spanish Creoles, I, 53. — The Colony furnishes immense quantities of them, 66, 139. — They destroyed animals for the skin, 66, 75. — The curious manner in which they sit in a hide in crossing rivers, 223.

Higuey. One of the five Indian kingdoms of Saint-Domingo at the time of its discovery, *I*, 33.

———(City of). Its situation, 165. — Its other names, 165. — By whom founded. 165. — Its arms, 165. — Its population, 166.

Hinche. (Canton of). The parish church of Saint-Raphaël is scarcely more than a chapel of ease of Hinche, *I*, 262. — Atalaye is a chapel of ease belonging to it, 262. — It was formerly called Gohave or New Gohave, 266. — Its situation, 368. — Fertile and healthful, 281.

———(Town of). Mr. Ducasse wished to destroy it, 267. — Its situation, extent, population, 267.

Hispaniola. Name given by Columbus to the island of Saint-Domingo, *I*, 2. — The island of Saint-Domingo is still thus named by the Spaniards, 2.

History. Precious materials which the history could find in the archives of the Council of Indies to make America be well known, *II*, 9. — Character by which history must be distinguished, 9.

———of Saint-Domingo.—See *Author*.

Hog. Difficulty of rearing them, *I*, 221. — The use they are of, 255.

Hog Maron. Hunting of this animal, *I*, 214.

Holy-See. Concordate between it and the king, *II*, 41. — It has no immediate authority in the Colonies, 41. — Has given up the tithes to the king, 42.

Honey. Very common in the Spanish part, *I*, 49; *II*, 239.

Honours. Those rendered at public ceremonies, *II*, 61, — Those rendered in the French part to the Spanish President, 181. — Those mutually conferred on the Envoys of both governments, 183, 185.

Horse. A fine race of horses at Azua, *I*, 94. — Was a stranger animal to America, 94. — Three kinds of horses at Saint-Domingo, 95. — Character of the Spanish Creole horse, 95. — They bring stallions from Caraque, 96. The district of Bani has a fine breed, 103. — Spaniards

send a few horses into the French part, 180, II, 139. — Defects of horses brought from the United-States, 139. — Defects of the Spanish horses, 140. — Mode of breaking them, 141 *and following*. — Vices in the training of a horse, 142. — The French colony has occasion for two thousand horses annually, 143.

Hospital. Where Michael of Passamonte had founded one, I, 136. — There were three at Saint-Domingo one of which was built by Ovando, 137.

Hotte. (The). One of the highest mountains of Saint-Domingo, I, 11. — Its climate, 18.

House of Contractation. II, 88.

Houses. Those of Santo-Domingo, I, 117.

Humidity. Sensible in the climate of Saint-Domingo, I, 22. — Causes of it, 22. — Effects it produces, 23.

Hunting. First resource of the French at Saint-Domingo, II, 100. — It was injurious to the hattes, 106.

Hurricane. I, 26. — Description of one, 26 to 30. — Destroys old Santo-Domingo, 115. — Hurricanes rage in the Southern part of Saint-Domingo, 254.

Husbands. Laws by which they cannot live separate from their wives, II, 89.

I.

Illegnes. Name given in the Colony of Spanish Saint-Domingo to the emigrants from the Canaries islands, I, 97, 101, 144, 201. — Borough of this name, 117, 144, 152. — Less indolent than the other colonists, 282.

Imposts. That on the animals, I, 75. — See *Public-Revenues*.

Indian. An Indian Princess is, they report, the cause of settling of Santo-Domingo, I, 114.

Indians. Name which they gave to Saint-Domingo, I, 1. — Exterminated by the Spaniards, 2, 157. — Buried in

the mines, 5. — They formed five kingdoms at Saint-Domingo, 35. — Some creols pretend to be descended from them, 59. — Their bondage, distribution, 140. — Cruely treated, 140. — Diseases attending them, 140. — Where the last residue of them retire in the island, 162. — They were armed with arrows, 173. — They used wooden swords, 193. — Their destruction has brought on the decay of the whole island, II, 222.

Indies Spanish. Name given by Spain to her Colonies in the New World, II, 5. — They are entire part & inalienable from the Spanish monarchy, 5.

Indigo. Has been cultivated on the first discovery of the island, I, 62, II, 101. — How many indigo-plantations could find place in the parish of *Water-mills*, I, 107. — Influence of its culture on the settlement of the French colony, II, 101.

Inquisition. How exercised at Saint Domingo, I, 146, II, 49. — How introduced at Saint Domingo & at what period, II, 45. — It depends on the tribunal established at Carthagená, 46, 49. — It has three tribunals in America, 46. — How these tribunals are composed, 46. — Ceremony at the establishment of a tribunal of inquisition, 46. — Its revenue, 49. — It abhors books, 51.

Insects. Their multiplicity in the low lands along the sea coast, I, 13. — Torment they occasion, 53. — They are protected by the Mangrove-tree, 192.

Inspector-General. Honours due to him, II, 66. — He is named by the Council of the Indies, 92. — His privileges, its functions, 92, 93.

Insurrection. — See *Fugitive Negroes*.

Interest. That of the produce of a sugar-estate, II, 228.

Interpreters. The Royal Court chooses its interpreters, II, 55.

Inundations. Their ravages, I, 24. — Those of Ozama, 114.

Isabella (Ancient). Columbus founds it, I, 203. — Why he gives it this name, 203. — Its situation, 203. — What becomes of it, 203.

- (New). Becomes Santo Domingo, I, 114, 203.—
 Founded by Bartholomew Columbus, 114.
- (Point). Its position, I, 202.
- (River). Forms the port of Santo Domingo by its
 confluence with Ozama, I, 113.—Whence it takes its
 source, 113.—How it is crossed, 152.—May be
 ascended in a canoe to within four of five leagues of its
 confluence the Ozama, 152.
- Islands (Windward). The cession of the Spanish part would be
 favorable to their inhabitants, II, 193, 195.
- (Little). About Santo Domingo, I, 37, 308.

J.

Jacobin Friars. — See *Dominicans*.

———— *Nuns.* — See *Dominicans*.

Jailer. How appointed, II, 33.—Their police, 76.—See *Alcades
 of prisons*.

Jamaica. Its distance from Saint Domingo, I, 2.—Its conquest
 by the English, 108.—The Dominicans of Santo Do-
 mingo take the title of Abbot of Jamaica, 122.—The
 Abbey of Jamaica was dependant on the Archbishoprick
 of Santo Domingo, 121.—The preparations for its
 conquest have been made at Saint Domingo, 139.

ayna (Canton). Its former fertility, I, 109.—There we find
 indigo grow wild, 109.—Its mines, 110.

———— (Parish of). Or of St-Rose, I, 110.—Comprehends
 ancient Bonaventure, 10.—It must be considered as a
 dependancy of Santo Domingo, 110.—Its population,
 110.

———— (River of). It may be rendered navigable, I, 109.—
 Its course, 109, 110, 111, 112.—The land which bor-
 ders it, 109.—It cannot be forded 109, 112.—The

mines of Saint Christopher are near the head of its current, 110. — Project of conducting its water to Santo Domingo, 115. — Its mines, 155.

Jeremie. A new settlement formed in that french parish, II, 222.

Jesuits. They had a sugar-state at Ocoa, I, 102. — They founded a college at Santo Domingo, 137. — See *Charlevoix ; Le Pers.*

Junte. Signifies *assembly, board*, II, 8.

Justice. It is the generical appellation of the inferior tribunal in first instance formed by the ordinary Alcades, II, 71. — It is subordinate to the Royal Court, 71. — Its competence, 71. — What rules an appeal from its decisions is submitted to, 72.

K.

Keeper. Of prisons, II. — See *Alcades of prisons*,

King. Exercises all his powers in the Spanish colonies, II, 5. — In all the Indies the patronage belongs exclusively to the King, 40. — The revenues of vacant benefices and the property of the deceased Archbishops belong to him, 41. He defrays all the expences of divine service, 42. — Tithes belong to him, 42.

Kingdom. Saint Domingo formed five Kingdoms at the time of its discovery, I, 33.

———— of Higüey, I, 33, 34.

———— of Magua, I, 33, 34.

———— of Maguana, 33, 34.

———— of Marien, I, 33, 34.

———— of Xaragua, I, 33, 34.

L.

La Grange. — See *Cape-la-Grange*.

Laguna of Azuei. — See *Pond*.

Laguna Icotea. — See *Pond*.

Lancers. Horsemen armed with Lances. Keepers of animals who bear Lances on Horseback, I, 68.

Land Soapy. What is is, I, 10.

Landing. — See *Defence military*.

Larez de Guaba or *Guababa*. They purposed to make it a Bishoprick, I, 120, 269. — It is only a canton of Hinche, 269. — Founded by Roderigo Mefcia, 269. — Its name, 269. — Arms, 269. — Situation, 269.

Las Casas. What he has said of the population of Santo Domingo, I, 42. — He officiated at the first high mass sung in the island of Saint Domingo, 230.

Latitude. Degrees of Latitude in which the island of Saint Domingo lies, I, 2. — That of Santo Domingo, 149. — That of Point de l'Epée, 169. — That of Cape del Enganno, 169. — That of Cape Raphaël, 169. — Of Point Icaque, (Icaco Point), 174. — That of Anse-à-Grapin, (Graplin-Cove), 177. — That of Cape Rezon or Cape Samana, 194. — That of Cape Cabron, 194. — Of Old Cape Français, 198. — Of Cape la Roche, 198. — Of Point Isabella, 202. — Of Cape la Grange, 204. — Of Béate, 309.

Laws. Code of those of the colonies or kingdoms of the Indies, II, 37. — Less numerous than in the French colonies, 38. — Those of Castille must be followed in all cases where those of the Indies are mute, 38. — When the laws of Castille are silent the Roman laws are consulted, 38. — The Canon law is the rule in eccle-

fiastical matters, 38.—They emanate from the King and are signed by him, 38.—They must be sealed, 38.—Remedy if they are bad, 38.—The Council of the Indies proposes to make or abrogate them, 38.—They are explained by royal schedules, provisions and dispatches, 39.—Where they are deposited, 39.—How the Corporation receive them, 39.—They bear all the marks of the religious ideas of the Spaniards, 40.—See *Administration ; Council of the Indies ; Court Royal ; Government ; President ; Treasury*.

Lazaretto. One at Santo Domingo, 152.—One at Saint Yago, 242.

Le Brasseur (M.). Wrote a memoir in favour of the cession of the Spanish part to France, II, 198.

Leogane. Its inhabitants pass over to Bayaguana, I, 163.

Le Pers (Jesuit). It is from his memoirs that his fellow Charlevoix has written the history of Saint Domingo, I, 181, 235.

Leprosy. See *Lazaretto*.

Lieutenant of the Seal.—See *Seals*.

Limbé. The administrators took up the lands which had been there given for hattes, II, 108.

Limonade. It is the first place of the French part which has had some hattes, II, 102.—Its hattes destroyed in 1691 and 1695, 103.—They grant the land of its hattes for cultivation, 107.

Liria (Duke of). Possesses by alliance the immense property of Christopher Columbus, I, 134.—He does nothing to celebrate the memory of this great man, 131.

List (M. Adam). His observations concerning the mountains of Saint Domingo, I, 8.

Longitude. Degrees of longitude with which the island of Saint Domingo corresponds, I, 2.—That of Santo Domingo, 149.—That of Point de l'Epée, 169.—That of Cape del Enganno, 169.—That of Cape Raphaël, 169.—

Of Point Icaque, (Icaco - Point), 174.—Of Anse à-Grapin, (Graplin-Cove), 174.—That of Cape Rezon or Cape Samana, 194.—That of Cape Cabron, 194.—That of Old Cape Français, 198.—Of Cape la Roche, 198.—Of Point Isabella, 202.—Of Cape la Grange, 204.—Of Béate, 309.

Lords. Some lands near Santo Domingo are granted to the town's-people, who are even Lords of them, I, 151.

Louisiana. Its cession is criminal in the Minister who effected it, II, 234, 237.—Horrors committed at the time of the cession, 234.—France should claim it, 235.—Advantages of that possession and reasons why France ought to demand it, 235, *And following.*—Utility of its forests, flocks and herds to the French colonies, 235.—It is the interest of Spain to give it up, 237.

M

Macoriz of Abaxo. I, 229.

—— (Chaplainship of). I, 199, 220.

—— (River of). Northward of the island, I, 199.

—— (River of). Southward of the island, I, 162.—Its source and course, 170.—Delightfulness of its Banks, 171.

Macorne. A macorn signifies a pair, I, 75.

Magua. One of the five kingdoms of Saint Domingo, I, 33, 34.

Maguana. One of the five kingdoms of Saint Domingo, I, 33, 34.

Majoral. Overseer of a hatte, I, 68.

—— (Under). The second appointed to the superintendence of a hatte, I, 68.

Mançaneel.

- Mançaneel-Tree.* The Spanish fishermen take care to burn it, I, 50.
- Mancenilla.* See *Bay of Mancenilla*.
- Mangrove-Tree.* For what it is useful, I, 13, 214.—It flourishes in all the sea's borders of the torrid zone, 192.—It shelters insects, 192.
- Maniel.* See *Baboruco*.
- Manners.* See *Creoles Spanish* (Men and Women).
- Map.* Drawn for this description, 8, *Of the Advertisement*.—How a Spanish map marks the boundaries between both nations, viij, *Of the Historical Abridgement*.—Opinion inspired by the fight of the map of America.
- Marien.* One of the five kingdoms of Saint-Domingo, I, 33, 34.
- Market.* That of Santo-Domingo, I, 135.
- Marriage.* Most frequent in the Spanish part, I, 48.—They there encourage the fugitive French negroes to marry, II, 176.
- Martinico.* Is become the principal seat of government of the French Antilles, I, 3.—Its geographical importance, II, 205.
- Massacre* (River of). Matters relative to its limits, I, xiiij, xv, xvj, xvij *of the Abridgement*. — It becomes the provisory limit, xv *of the Abridgement*.—Disputes about the property of the island of the same name, xvj *of the Abridgement*. — It is the definitive limit, xxvj *of the Abridgement*, 210, 211, 250.—Its bed, 211.—Its fish, 211.
- Measures of land,* I, 82, II, 84.—See *Carreau, Chevalerie, Etendal, Fanegue*.
- Men of colour.* — See *Freed men of colour*.
- Men remarkable.* Those born or dwelling at Saint-Domingo, I, 149.
- Mercy* (Fathers of the order of) .They have a convent at Santo-Domingo, I, 136.
- Mesta.* Society relative to the rearing of animals, II, 151.
- Mexico.* Preparations are making at Santo-Domingo for its conquest, I, 139.—Its conquest depopulates Saint-Domingo, 141.—Its tranquillity has been threatened, II, 205.

- Militia.* That of Azua, I, 97. — A regiment of trained militia at Santo-Domingo, 137. — Of Hinche, 268.
- Mill (Sugar).* To whom they are indebted for the first constructed at Santo-Domingo, I, 304.
- (Cattle). Those which they call *Trapiches*, I, 61. — Those between Nisao and Ozama, 150.
- (Water). Where the first settlements were situated at Saint-Domingo, I, 106.
- Mills (Water).* New parish which is but a chapel of ease of Santo-Domingo, I, 107. — Its population, 107.
- Mines.* Are numerous in the mountains, I, 5. — Those of Cibao, 5, 228, 229, 269. — Nature of those of Saint-Domingo, 31. — Those of the mountains of Bahoruco, 79. — Those of Azua, 94. — Those of the River Jayna, 109, 110. — Those of Saint-Christopher, 110. — That of the town of Santo-Domingo, 136. — That near Santo-Domingo, 139. — Without produce on account of the destruction of the Indians, 140. — Those of Bonaventure, 156. — Those of Sainte-Rose, 156. — Those in the environs of the bay of Samana, 185, 191. — Those of Port-de-Plate, 200. — Those of Cotuy, 219. — Those of Saint Yago, 243, 244. — Of Guaba, Banique and Saint-John, 282. — Working them would be beneficial, according to Valverde, II, 155. — They are highly recommended by Valverde, 156.
- Minguet.* First french inhabitant of Dondon, his eulogium, I, xij of *historical Abridgment*.
- Minister of the Indies.* His place is united to that of president of the Council of the Indies, II, 10.
- Mint at Santo-Domingo,* I, 139.
- Mirebalais.* Matters relative to the boundaries, I, xiv of the *Abridgment*. — Convenient to the hattes, II, 109.
- Môle Saint-Nicholas.* Its resemblance to the Bay of Samana, I, 191.
- Mone.* A small island in the east part of Saint-Domingo, I, 312. — Given by the King to Bartholomew Columbus, 312.
- Money.* That minted at Bonaventure annually, I, 155. — At Vega, 229. — Value of the *quarton*, II, 158.

Monique. A little island in the east part of Saint-Domingo, I, 312.

Monks or Friars. Subject to episcopal jurisdiction, II, 45. — How they may pass to the Indies, 46. — See *Convents*; *Superstition*.

Mont-de-Plate. Its situation, 162. — How established, 162. — Its population, 162.

Monte-Christ. The Spanish packet arrives there every month, I, 148. — Its ancient population passes to Mont-de-Plate, 162, 201. — It has been a free port, 201, 206. — Thus named by Columbus, 204. — Its bay, 205. — Arms, 205. — How it has been peopled 205. — Its actual population, 207. — It may be a good landing place, I, 200, 201, 202.

———— (Town of), I, 205.

Mortality. That of the negroes, II, 195, 196, 212, 223, 228. — That of the whites, 212, 223. — That of troops, 213.

Mountain Round, I, 169. — See *Cape Raphaël*.

Mountains. Their situation, direction, I, 3, 4, 7. — Their elevation, 4, 11. — Their utility, 5. — They contain mines, 5. — Reasons to believe they have remained under the waters, 7. — Opinion of Buffon, 7. — Their composition, 8, 9, 10. — Nature of their base, 9, 10. — Sea-shells are found in the different layers of the mountains, 10. — They have undergone earth-quakes, 10. — The seasons are more gentle and agreeable on them than in the plains, 18. — Their situation more pleasant than that of the plains, 18. — Their temperature, 18, 19. — Of the Spanish part, 37. — Those of Cibao, 38. — Of Bahoruco, 39, 78. — They also call *mountains of Maniel* those of Bahoruco, 78. — Woods of the mountains of Azua, 94. — Those of Nifao, 103. — Those towards Jayna, 103. — Those of Pardavé, 104, 156. — Those of Sévico, 159, 172. — Those which divide the plain of Seybe and Higüey from the plain of Saint-Raphaël, 171. — Those of Monte-Christ, 172. — Between Yuna and Camou, 237. — Of St. Raphaël, 262. — They are sometimes considered a common property, II, 84. — See *Chain*.

Mules. Defects in training them, II, 143, 144. — Yet more necessary in the French part than horses, 143. — Of a less size than those of the Continent of the Gulph of Mexico, 143. — They formerly brought some from Georgia one of the United States of America, 145.

N

Names. Those given to the island of Saint-Domingo, I, 1, 2.
Nag. — See *Asses*.

Naturalization. Its conditions, II, 89.

Negroes. The Portuguese make some of them priests and bishops, I, 57. — Are not numerous, 58. — There are some fugitives at Bahoruco or Maniel, 79. — They have pursued those of Bahoruco, 79. — What are become of them, 79. — Number of negroes which might be employed in the two plains of Bahoruco, 83. — In that of Neybe, 85. — Number of Negroes they might have in the plain of Azua, 97. — Spaniards buy some in the French part, 145. — There are good fishermen among them, 211. — They do not fear the crocodile, 213. — It was permitted to every white person to have but one, 230. — They permitted every white person, who should settle in Véga-Réal to have six of them, 230. — Their fraudulent introduction, II, 81. — Impost on the negroes, 81. — Formalities at their landing, 82. — They are the cause of the increase of the French colony, 101. — They must have them for the sake of cultivation, 156. — Spain fails in procuring them for herself, 156. — Spain first employed them, 156. — Efforts she has used to have them, 157. — The law which Spain intended to adopt respecting them, 157. — Those which the island of Cuba receives, 160.

— Those which are not employed at cultivation pay a poll tax, 161. — Their condition would be bettered by the cession of the Spanish part, 193. — Their mortality, reproduction, and supply in the French part, 195, 212, 223. — The number supposed necessary for the Spanish part, 196. — How many of them the French receive annually, 196. — Balance between their value and that of the colonial productions, 197, 230. — Effect of the cession of the Spanish part touching them, 211. — How many in the French part, 213. — Who should pay those necessary to the Spanish part, 216. — Number and employment of those necessary to a sugar estate, 234. — Danger of transporting them from one settlement to another, 229. — How many the French could still employ, 232. — They must think on the amelioration of their condition, 233. — See *Pöpopulation ; Slaves ; Saint-Laurence of the Mines.*

Negroes. (Fugitive). II, 165. — Motives which give rise to them, 170. — Conditions of their restitution, 170 *and following.* — Precautions taken to bring back those of the French part, 171 *and following.* — Favored by the Spaniards, 171, 172, 173, 179. — The Spaniards revolt against the idea of restoring them, 175. — Pretexts which the Spaniards use for receiving or harbouring them, 175. — They encourage them to marry in the Spanish part, 176. — What they reproach the Spaniards on account of them, 179. — The cession of the Spanish part should cut off their retreat, 196. — See *Negroes.*

———— (Maron). See *Fugitive negroes.*

Neutrality. Observed at Saint-Domingo whilst the French and Spanish Metropolis were at war, I, xi *of the historical Abridgment.*

Neybe. — See *Plain of Neybe.*

———— (Bay of), Or of *Jülienne.* Its situation, I, 84. — Advantages it presents, 84.

———— (Borough of). Its situation, I, 86.

Neybe. (River of). Given as an Eastern boundary to the Company of Saint-Domingo, I, vii of the *historical abridgment*. — It divides the plain of Neybe from that of Azua, 39, 40. — It bounds on the Eastward the plain of that name, 84. — Its course, 85. — It may be rendered navigable, 280.

Nigua. (River of). I, 105, — Extolled by Oviédo, 106. — Particular circumstances of its course, 105. — It put in motion the first water-mills erected at Saint-Domingo, 106. — It appeared that it is that Charlevoix describes, 107. — Its mouth, 108. — Distance from Nisao, 108. — Nature of its environs, 108. — It is not far from the river Jayna, 109.

Nisao. (River of). Its course, I, 102, 103, 104. — It bounds the territory of the district of Sauto-Domingo on the West, 103. — The adjacent soil, 108.

North. — See *Norths-Winds*.

North-Winds. (The). What is thus termed at Saint-Domingo, I, 20. — Their period or season, 20. — They are generally accompanied with rain, 20. — They cause a coolness of air, 20. — Their continuance, 20. — In what places they blow, 20.

Notaries. — See *Writers*.

Nunnery. — See *Convents*.

Nuns. — See *Convents*.

O

Ocoa (Bay of). Its beauty; its situation, I, 92, 97. — It was formerly very commercial, 93. — Its form, 97. — It is the harbour of the Spanish men of war, 92, 98.

—— (Canton of). I, 92, 93, 97, 98, 99. — See *Palms of Ocoa*.

Ocoa (River of). I, 92. — It bounds the territory of Azua in the east, 92.

Odroi (Grant). They comprehend in that of Saint Domingo the tax on the slaughter-houses & licences on taverns, II, 108.

Officers of justice. Which of them are amenable in the inferior tribunals, II, 56.

Officers of the Domain. — See *Officers royal*.

Officers of the Public Treasury. — See *Officers (Royal)*.

Officers of the revenue. — See *Officers (Royal)*.

Officers (Royal). How they must act respecting the property of deceased persons, II, 57 to 60. — The honours they receive, 65, 67. — Their different denominations, 78. — They form a tribunal, 78. — They cannot absent themselves without the King's permission, 78. — Their assembly at the palace, 78. — To whom they render their accounts, 78. — One of them keeps a Key of the treasury, 78. — Their accounts, 79. — They inspect shipping, 79. — They grant permissions to land negroes, 82.

Offices. Many are fold, II, 82. — Some are perpetual, 82.

Ogeron. — See *d'Ogeron*.

Old Cape-François. So called by Christopher Columbus, I, 198. Its latitude, longitude, 198. — Ship coming from Europe or the Windward Islands, in the north or in the west of the island Saint-Domingo are obliged to make it, II, 190.

Oratories. It is the Crusade who grants permission to have private oratories, II, 52.

Oratory of Farfan, I, 273.

—— of la Roche, I, 268.

—— of Pedro-Corto, I, 273.

—— of the Cavalier. — See *Oratory of Farfan*.

Ordinary. — See *Archbishop*.

Ouanaminthe. Matters relative to its Bounds, I, xiiij of the *historical Abridgment*. — Its situation, 259.

Ovando (Commander). Changes the situation of Santo Domingo,

I, 115. — He builds at his own expence the convent of Cordeliers at Santo Domingo, 136. — He rears an hospital at Santo Domingo, 137. — He opens a superb road from Port-de-Plate to Véga, 200.

Oviédo. First historian who had written at Saint-Domingo concerning that island, had a plantation at Saint John of Maguana, I, 279.

Ox. — See *Animals* ; *Bull*.

Oyster. Very common in the bay of Samana, I, 180, 192. — That among the mangrove-trees are more delicate 180, 215

Ozama (River). Forms the port of Santo-Domingo, I, 113. — Receives Isabella, 113. — Its width, 113. — Its depth, 113. — Its extent, 113. — Its inundations, 114. — To where it is navigable, 114. — Santo Domingo is on its western shore, 114. — Point where it is crossed by the road, 153, 154. — At what a distance from Santo Domingo it is fordable, 153, 154; II, 200.

P

Packet. One arrives every month from Spain at Monte-Christ and Havannah, I, 148.

Palace. They thus term the place where the President is lodged and the Royal Court assemble, I, 135. — Where it is situate, 135. — The printing-house and prison are contiguous to it, 135. — It is the place where the seal is deposited, and Records kept, II, 22.

Palm-Tree. See *Palmiste*.

Palm-Trees of Ocoa. An agreeable situation embellished with Palm-Trees, I, 91, 99. — See *Ocoa*.

Palmiste. Its uses, I, 53, 214, 303.

Paper-Currency. I, 60.

Parishes. Three at Santo Domingo, I, 136.

Part belonging to the French. It receives almost entirely from the Spanish part, the animals it has occasion for, I, 74.—The advantages it procures the Spanish part, 144.—It is the only resource of the neighbouring colony, II, 99.—It wants annually two thousand horses, 143.—It has more than balanced the advantages of the Spanish part, 187.—Its yearly produce, 197.—French ought to be satisfied with such a possession, 239.

Part belonging to the Spaniards. Its cession to France, I, 6, *Of Advertisment.*—Its extent in mountains and plains, 36.—More extensive and fertile than the French part, 42.—Its poverty, 213.—Proof of its poor state, 237.—It is a burthen to the Metropolis, II, 4.—Its produce, 138.—On its cession to France, 186.—Its military defence, 199.—Its soil is entirely granted, 210.—How many negroes it could employ to cultivate it, 213, 214.—It is better to let it remain with the Spaniards, 238.—See *Cession*.

Part (North). Of the Spanish colony, I, 171.—Its situation, 172.

Part Northward. Of the French part. It is there the French hattes commence, II, 102.—The first situation which has had French Sugar-estates, 103.

Part Southern. Matters which happened relative to its boundaries, I, xij, *Of historical Abridgement.*—More subject to the ravages of the winds, 29, 254.—The southern part belonging to the French too much neglected, II, 232.

Part Westward. Matters respecting its limits, I, xiv, *Of historical Abridgement.*

Passage. The point which bears this name between Tavora and Neybe, is a military situation, II, 202.—See *Saint Raphaël*.

Passage of Rivers in a hide. I, 223.

Pflaures. Abound with noxious weeds, I, 76.—Those of Bani subject to drought, 102.—Those of Seybe spoiled by some trees, 165.—Those of Saint John subject to drought, 282.—Those of Hinche, Guaba, and Saint Raphaël overgrown with noxious plants, 282.—When they are in common, II, 84.

Patriarch of the Indies. II, 10.

Parv (M. de). Says that the Americans are degenerate beings, I, 307.

Penn (Admiral). Lands his Troops near Nigua, I, 111.

Permission. It must be procured to pass from Spain to the Spanish Indies, II, 88.

Peru. Its discovery depopulates Saint Domingo, I, 141.

Petit-Trou. The name of this place proves it a French possession, I, 83.

Petite-Rivière (Borough of). Its distance from Hinche, I, 268.

Physicians. Their different classes, II, 86, 87.—Their duties, their rights, 86, 87.

Pioneer. Keeper of animals who goes on foot, I, 68.

Pisç. They build in this manner at Santo Domingo, I, 117.

Plain between Nigua & Jayna. Its fertility, I, 109.

— *from Santo Domingo to Point de l'Épée*. I, 171.

— *of Acajoux*. I, 41, 274.—Its situation, its extent, 41, 274.—There is a chapel of ease, 274.

— *of Azua*. Its situation, extent, I, 40.—Settlements which might be formed there, 97.

— *of Baboruco*. One is to the East and the other to the West of the Mountains of the same name, I, 39.—Their extent, 39.—Settlements of which they are susceptible, 82, 83.

— *of Bani*. Its situation, its extent, I, 40.—Settlements which could be formed there, 103.

— *of Banique*. I, 40, 42, 273.

Plain of Cape François. When the French began to settle there,
I, iij, *Of historical Abridgement.*

— *of Dahabon.* I, 256.

— *of Farfan.* I, 40, 273.

— *of Gohave.* I, 262, 263, 264.

— *of Guaba.* I, 42.

— *of Higuey.* I, 170, 171.

— *of Hinche.* I, 42.

— *of Neybe.* Its situation, its extent, I, 39, 84.—Its fertility, 85.—Settlements which might be formed there, 85.

— *of Ocean.* See *Plain of Banique.*

— *of Pedro-Certo.* I, 273.

— *of Saint John.* I, 40.—Its situation, its extent, 41.

— *of Saint Raphaël.* I, 42.—Elevation of its soil, 263, 279.

————— *or of Round Mountain.* I, 183.

— *of Saint Thomas or Saint Thomé,* I, 40, 41.—Its situation, its extent, 41.

— *of Santo Domingo.* I, 103.—Nature of its soil, 150.

— *of Véga.* I, 251.—Its rivers, 251.—Its extent, 255.

— *of Véga-Réal.* Is the largest in the island, I, 226.—Its extent differently calculated, 226.—*And following.*

— *of Verrettes.* Its situation, I, 291.

Plains. Their situation, I, 4, 12.—How the mountains divide them, 4.—Their composition, 11, 12.—A marshy soil prolongs them along the shore, 12.—Nature of that watry portion, 13.—Those of the Spanish part are far the most extensive, 39.—Extent of different plains, 39, *And following,* 39.

Plains (The). Name of the Eastern part of the island, I, 160.

Plantain. It serves the Spanish creoles instead of Bread, I, 49.—That of Saint Domingo called Sunday-Plantains and why, 222.

Plaster. They have some in the territory of Neybe, I, 87.

Plymouth (New). Canton of Jérémie newly settled, II, 222.

Point de l'Epée (Of Sword). Its latitude, longitude, I, 169.

— *des Salines* (Of Salt-pits). I, 97.

— *Isabella* or *Isabellique*.—See *Isabella*.

— *la Chaudière*.—See *Point des Salines*.

— *of Icaque* (Icaco Point). Its position, I, 174.—Latitude, longitude, 174.—Has a place of anchorage, 177.—M. de Grimoard has suffered a shipwreck there, 177.

— *of Palonque*. I, 102.

Polypuses. Layers of them in the mountains, I, 8.—They find some also near the sea, 12.

Pond Brackish, Pond of Azuey or *Laguna of Azuey*. I, 86, 87.—Its situation, extent, 290, 291.—Animals observed there, 290.

— (Great). See *Pond of Henriquille*.

— *of Azuey*.—See *Pond Brackish*.

— *of Henriquille* or *Little Henry* or *Pond Spanish*. I, 40, 85.—Whence that name of Henriquille or little Henry, 85.—The road from Neybe to Port-au-Prince, runs along its borders, 86.—Is the most considerable of that part 289.—Its situation, 289.—Its extent, 289.—A little island near the middle of it, 289.—Animals it contains 289.—What Spaniards say about it, 289.—Its water, 289.

— *of Tortoises*.—See *Pond* (Sweet-water).

— *of Xaragua*.—See *Pond of Henriquille*.

— *Salt*.—See *Pond of Henriquille*.

— *Spanish*.—See *Pond of Henriquille*.

— (Sweet-water). Its situation, 230.—Peculiarities, 290.

Ponds. Conjectures respecting them, I, 291.—They should give place to some observations, 292.

Ponte. Cattle forming a herd, or hatta.—See *Hatta*.

Pope.—See *Holy-Sea*.

Population. That of Saint Domingo before its discovery, according Las Cazas, *I*, 42.—Actual population of the Spanish colony, 42.—That of the colony not so considerable as it should be, 42.—How the population of the colony is composed, 55.—That of Azua, 96, 97.—That of Bani, 101.—That of the parish of *Water-Mills*, 107.—That of the parish of Jayna, 110.—That of the city of Santo-Domingo, 138.—Difficulty of ascertaining the population, 138.—That of the colony in 1737, 143.—That of Mont-de-Plate, 162.—That of Bayaguana, 163.—That of Seybo, 165.—That of Higüey, 166.—That of Samana, 183.—That of Savanna-la-Mer, 183.—Of Monte-Christ, 207.—Of Cotuy, 220.—Of Véga, 233.—Of Saint Yago, 242.—Of Hinche, 267.—That of Banique, 274.—Of Saint John of Maguana, 278.—Of the Plains of the Western part of the Spanish colony, 280.—How that of the island would increase if the Spanish part became French, *II*, 192, & *following*.—Objections against its increase by the cession of the Spanish part, 210, & *following*.—That of the French part in Negroes, 213.—See *Mortality ; Negroes*.

Port-au-Prince. Its distance from Santo Domingo, *I*, 87.—Its distance from Hinche, 268.

Port-de-Paix. When first settled, *I*, 11, of *historical Abridgement*.—Ravaged by the Spaniards combined with the English, vi, of *Abridgement*,

Port-de-Plate. Its situation, *I*, 199.—It receives this name from Columbus, 199.—Its port, 199.—Its mines, 200.—Its arms, 200.—Plundered by Pirates, 201.—Its inhabitants found Mont-de-Plate, 201.—Its population, 201.—It served as an outlet to Véga and Saint-Yago, 258.

Port-la-Chaudière. Its situation, *I*, 97.

Port-Margot. When settled, *I*, iij, of *historical Abridgement*.

Port of Santo Domingo. Its description, *I*, 113.—Its advantages, its inconveniences, 113.

Porte (The). Narrow neck between Saint Raphaël and Dondon, *I*, viij, of *historical Abridgement*.—Error which Charlevoix commits about its situation, 235.

Porte. Passage between Biahame and Tavora, *I*, 89.

Porte des Chevaliers. What it was, *I*, 234.

Porto-Hermoso.—See *Ocoa*.

Porto-Rico. Its distance from Saint Domingo, *I*, 2.—Dependent of the Archbishoprick of Santo Domingo, 122.—Its conquest has been prepared at Saint Domingo, 139.

Post-Office. Its management, *I*, 148.—Its mails, 148.

Poveriy. That of Saint Domingo, *I*, 143, *II*, 99.

Precedence.—See *Honours*.

Prejudice. That founded on the colour of the skin has but little authority, *I*, 56.

President of the Spanish part. What happened on the travel of a President through the French part, *I*, ix of *historical Abridgement*.—Resides at Santo-Domingo, 119.—Why they thus name the chief of the colony, 117.—Who has been the first at St-Domingo, 119.—Has no votes at the Royal Court in the decisions of suits, 121.—Three of whom buried in the Cathedral of San-Domingo, 135.—His dwelling-house is called the Palace, 135. — One interred at the Cordeliers of San-Domingo, 126.—One interred at the fathers of the order of Mercy, 137. He can dance but with his wife, 147.—His annual salary, 147. — Honours he receives, 147.—What means this title, *II*, 11.—Importance of this title which is inferior to none but that of vice-roy, 11.—He leads exclusively military affairs, 12.—How he is replaced in case of death or absence, 12, 13.—State of the member of the Royal-Court which he is obliged to send every year to the Council of the Indies, 13. — He can only make temporary nominations and in what manner

13. — He must employ the register of the Royal-Court, 13.—May appoint one Register for secret affairs, 14. — In what form he must write to the king and Council of the Indies, 14. — He cannot grant pardons or commutations without an express authority from the king, 14. — He regulates the police of towns, 14. — How he can procure assistance in his functions, 15. — He can form at his option assemblies or conferences, 15. — He has an auditor for an assistant judge, 15. — He is not under the jurisdiction of any tribunal of the colony, 15. — His mourning, 15. — They must not raise a monument to his memory, 15. — He cannot have property, nor carry on commerce, 15.—Prohibition which regards his family and retainers, 15. — He cannot marry nor permit his children to marry in the colony, 16. — He must conform himself to what has been prescribed to his predecessors, 16. — He must send historical materials to the Council of Indies, 16. — He must send notes concerning the inhabitants, 16. — He cannot take cognizance of civil decisions, 18. — He must take care that justice be done to every one, 18. — If he exceeds his powers, 19. — He can make secret inquiries against the Auditors, 19. — What he should do when the Cour departs from its competence, 20. — What happens when he is dead or absent, 20.—When obliged to attend the Royal Court, 22. — When the Royal Court judges, proper to dispatch some one charged with a commission the choice of the person belongs to the president, 25. — He must rigorously follow his instructions as to the finances, 25. — He is judge of the Auditors and fiscal in criminal matters, 26 — He names the auditor who watches over public officers, 27. — He appoints a person to mark the absence of the auditors, 27. — He must not pay visits, 28. — When he may go to a marriage or funeral, 28, 68. — He must prevent certain connections relative to the wives of some

public officers, 28.—He must inform the Fiscal of extraordinary meetings of the Court, 30.—He may authorize the provisionary execution of the regulations of the municipalities, 39. — He exercises the right of patronage in the name of the King, 40. — He must take care of the residence of the members of the chapter, 41. — His powers on the dismissal of an ecclesiastic, 42. — He is sometimes superintendant of the Crusade, 52. — He appoints an auditor for the property of the deceased, 56.—He must watch over the property of the deceased, 59. — Honours he receives at public ceremonies, 62, 63, 64, 65. — He is provisionary judge of the ceremonial, 65. — Style and form of precedents he must use, 65. — Style which they use with him, 66. — He precedes the Inspector general, 66. — Order according which he puts his signature, 67. — In what cases he confirms the appointment of the alcades, 70. — How the appeal from his decisions is determined, 72. — He chooses auditors to inspect the prisons, 76.—He visits the prisons, 76. — He is sometimes superintendant of the finances, 78. — He nominates for the time being royal officers, 78. — He has one of the three keys of the treasury, 78. — He orders an examination of the public treasury when he pleases, 79.—He gives the casting voice among the royal officers, 79. —His powers as to public works, 85.—He can cause bad drugs to be thrown away from the drug-shops, 87.—His inspection on certain husbands, 89. — He can name inquisitor if he knows of any abuses, 91. — In what cases he appoints an examiner of *Residence*, 94. — He must indicate to the Council of the Indies persons fit to be judges of *Residence*, 98. — He is subject to the *Residencia*, 99. — Effect produced by the journey of one of them through the Cape-Français, 113.—Conduct of the presidents as to providing for the cattle for the French part, 113, to 137.—The president of Azelot and the president Solano came into the French part, 181.—Honours they render him in the French part, 183.

- Price.* Of horses, II, 143.—Of asses, 145.—Of oxen, of cows, of calves, 152, 153.
- Primate of the Indies.*—See *Archbishop*.
- Printing house.* To what that of Saint Domingo is appropriated, II, 85.
- Prisons.* I, 60.—Who appoints jailers, II, 33. — See *Alcades of prisons*.
- Privateers.* The Spanish Creoles fit out some, I, 144. — Those of the English disturb the trade of the island, II, 190, 206.
- Privilege exclusive.* The sale of many objects submitted to it, II, 83. — See *Company of Catalonia*.
- Produce.* Those which the Spaniards manufacture, I, 303. — Reflections on the consumption of Colonial productions, II, 230.
- Properties of deceased persons.* Their administration, II, 56. — An Auditor is the chief of their administration, 56, to 61.
- Provisions.* They call *Places a vivre*, *Provision farm*, *Polink*, *Conaco*, the places where they cultivate roots, fruits, &c. of the country, I, 65.
- Public works,* II, 85.
- Punches & Markers.* They are preserved in the public treasury, II, 79.
- Punishments.* Those inflicted on Freed men of colour, I, 56, 57.— On slaves, 58. — Those of the Spanish code, 120.— The same as in Spain, fines excepted, II, 77.
- Puysegur.*—See *Chaftenet Puysegur*.
- Pyramid.* There are 221 of them numbered, to mark the line of the boundaries, I, xxxj of *Historical Abridgement*.—Whoever removes them is under the penalty of death, xlvij, l.

 Q.

Quadrupeds. One peculiar to Saint-Domingo, I, 164.

R.

Rains. Their utility, I, 15, 19.—Their season, 17.—Their profusion, 19.—Which are the rainy months, 19.—They do not fall at the same time throughout the island, 19.— Their inconveniencies, 20. — Storm, 20, 21. — Northward Rains, 20.—Continuance of Rains, 20.—Copious Rains in the Spanish part, 37.

Rebouc (River of). Was the French boundary, I, iij, vj of *Historical Abridgment*, 247. — The Spaniards pass on its western bank, v of the *Historical Abridgment*.— Whence comes this name, 240.

Receiver of Fines, II, 54.

Recommandation (Schedules of). II, 90.

Rectors. Named by the Archbishop, II, 45.

Redemption. (Fathers of). See *Mercy*.

Regidor. — See *Aldermen Corporation*.

Regiment. That French one of Enghien marches to keep gar-
rison at Santo Domingo, I, 295, 298. II, 133.

Register of the Royal Court, II, 36.—His place is farmed but he
undergoes an examination of capacity 36. — His func-
tions, duties, 36. — See *Writer*.

Reigns. Sketch of the three Reigns of nature, I.

Relater.—See *Reporter*.

Religion. Its influence on the laws, II, 40.

Reporters. Officers of justice to make all the reports to the royal

court, II, 35.—They are named by the president of the Council of the Indies, 35.—Conditions of their nomination, 35.—Their duties, 35, 36.

Reproduction. That of negroes, II, 195, 213.

Residence. Examination of the conduct of every public functionary, II, 93.—Its nature, its forms, 93 to 98. — When established at Saint Domingo, 97.— It is but a chimera, 98.

Resident.—See *Commissary with the Spaniards.*

Revenue public. In what they consist, II, 79 to 83, 163.

Revolution. Why the author has not made mention of it in this work, I, of the advertisement. — The author will speak of it in his history of Saint Domingo, liv of the *historical Abridgement.*

Rib of iron. Part of coast thus named & why, I, 12.

River of Camou. — See *Camou.*

———— of Great Yaqui. — See *Yaqui.*

———— of Higüey, I, 169.

———— of Isabella.—See *Isabella.*

———— of Jayna. — See *Jayna.*

———— of Little Yaqui.—See *Yaqui.*

———— of Massacre.— See *Massacre.*

———— of Neybe. — See *Neybe.*

———— of Nigua. — See *Nigua.*

———— of Nisao. — See *Nisao.*

———— of Ocoa. — See *Ocoa.*

———— of Quiabon, I, 170.

———— of Rebouc. — See *Rebouc.*

———— of Soco, I, 169, 170.

———— of Yuma, or Yumba. — See *River of Higüey.*

———— Macoriz. — See *Macoriz.*

———— Ozama. — See *Ozama.*

———— Roman, I, 169, 170.

Rivers. Are numerous in the island, I, 23. — Some places are without them, 23. — Why their course is not much extended, 23. — Nature of their beds, 23. — Dread-

full in their inundations, 24. — The beds of the rivers are in the most elevated parts of the plains, 24. — Many rivers in the Eastern part of the island flow towards the South side and there form places of anchorage, 169, 170. — Those which water the plain between Santo-Domingo and Sword-Point, 170. — Nature of those of the peninsula of Samana, 191. — How they are crossed in hide, 223. — Number of rivers which Charlevoix gives Véga-Réal, 226. — Those of Véga-Réal, 251, 256, 257. — There are thirty five crossed by the road between Santo-Domingo and river Massacre, besides twenty-five great or small ravins, 256. — Those of the district of Saint-Raphaël, 261. — There are thirty three to be crossed from Saint-Raphaël to Santo-Domingo, besides above a hundred ravins, 293. — They abound in fish, 306.

Road. That granted the French in the Spanish territory, *I, li of the historical abridgment.* — Nature of those of the Spanish colony, 60. — That between Neybe and Azua, 87. — That from Santo-Domingo to Port-au-Prince, 87, 90. — From the river of Petit-Yaqui to the town of Azua, 88. — From the town of Azua to the river of Ocoa, 91. — From the river of Ocoa to the river of Nifao, 98. — From the river of Nifao to the city of Santo-Domingo, 103. — From the city of Santo-Domingo to the second chain of mountains, or chain of Sévico, 151. — That from Santo-Domingo to Seybo, 166. — That from Mont-de-Plate to Santo-Domingo, 167. — That from Bayaguana to Santo-Domingo, 167. — That from Boya to Santo-Domingo, 167. — That from Seybe to Samana, 167. — Between Port-de-Plate and Véga-Réal, 200. — From the chain of Sévico or second chain to Cotuy, 217. — From Cotuy to Véga, 222. — They had discovered again that which was between Véga and Cibao, 236. — They could make one through the valley of Constance in order to open a

communication between all parts of the colony, 237. — From the town of Véga to the beginning of the territory of Saint-Yago, 237. — From the beginning of the territory of Saint-Yago to the town of Saint-Yago, 238. — From the town of Saint-Yago to Daxabon, 245. — From Saint-Yago to Monte-Christ, 248. — Between Véga and Port-de-Plate, 258. — Between Saint-Yago and Monte-Christ, 258, 299. — From Saint-Raphaël to the frontier, 263. — From Saint-Raphaël to Hinche, 264. — From Daxabon to Hinche, 265, 299. — From Hinche to Cape-Français, 265. — From Hinche to Saint-Raphaël, 268. — From Hinche to Daxabon, 268, 299. — From Hinche to Banique, 269, 271, 299. — From Port-au-Prince to Banique, 274. — From Banique to Saint-John of Maguana, 274. — From Saint-John of Maguana to Petit-Yaqui, 277. — That from Saint-Raphaël to Santo-Domingo, its nature, time they take to travel it, 295 *and following to* 296. — They pass thirty three rivers and above a hundred ravins in the road from Saint-Raphaël to Santo Dominga, 293. — That of Daxabon to Santo-Domingo, its nature, the time they take in passing it, 296 *to* 298. — That from Cotuy to Samana, 299. — From Saint-Raphaël to Atalaye, to the upper part of the Gonaives, to the plain of Artibonite, 300. — From Hinche to Mirabalais, 300. — From Port-au-Prince to Cape-Français, 300. — See *Distance*.

Rust. Why so common at Santo Domingo, I, 22.

S.

- Saint Catherine* (Island). Its situation, I, 311.—Etymology of its name, 311.—Its utility, 311.
- Saint Charles* (Borough of). Or of the Ileignes. Small settlement formed by the inhabitants of the Canaries, near the city of Santo Domingo, I, 144.
- Saint Christopher* (Island). Was the first seat of general government of the French Antilles, I, 3.
- Mine & Fort of this name, I, 110.
- Saint Crusade*. What it is, II, 50.—Its Chief, 51.—Its importance, 51.
- Saint Domingo*. First European Colony founded in America, I, 5 of *Advertisement*. — The French settled there, ij of *the historical Abridgment*. — Its geographical situation, I, 1, 2.—It is the largest of all the Antilles next to Cuba, 2. — Metropolis of the New-World, 1. — Discovered by Columbus in 1492, 1. — How the Indians named it, I, 1. — Its extent, 2. — Its latitude and longitude, 2. — Its distance from Porto-Rico, Jamaica and Cuba, 2. — Always unequally divided between the French & Spaniards, 3. — Its climate is sometimes unjustly condemned, 15. — It was divided into five Kingdoms which were subject to as many Caciques, 33, — Its utility, 36.
- Saint Domingo Spanish*. Causes of its decline, I, 139. and following. — The Spanish government sends thither some inhabitants from the Canaries to re-people it, 143. — Is not quite so much in lethargy as before 144. — Poverty of some parts of it, 220, 235, 252. — Its arms, II, 3. — Its actual mediocrity, 99.—See *Cession*; *Saint Domingo*; *Santo Domingo*; *Part belonging to the Spaniards*.
- Saint John*. — See *Saint John of Maguana*.

Saint John of Maguana (Canton of). Its situation, I, 277. — Recalls the idea of one the five Kingdoms of Saint Domingo, 277. — Plundered in 1543, 277. — Its population, 278. — It had formerly fugar estates the fugar of which was reckoned excellent 280. — Its temperature 280, 281. — Has fine horses, 280. — Its ancient state, 280. — It supplies a number of animals, 281. — Subject to droughts 282. — Its pasturages are infested by several hurtful plants 282.

(Town of). Founded by Diego Velasquez, I, 277. — Its arms, 277. — It has been rebuilt, 277. — Its situation, 277.

Saint Joseph (Hermitage of). I, 164.

Saint Laurence of the Mines. Colony of Negroes, I, 144, 161. — Its situation, population, 161. — Its origin, 158, II, 173.

Saint Mark (Town of). Is almost west of Hinche, I, 268. — Distance between that town and Hinche, 268.

Saint Michael. — See *Atalaye*.

Saint Raphaël (Borough of). When formed, I, 262. — Not considerable, 262. — Its church is an annex of that of Hinche, 262. — It has a small garrison, 262.

(Canton of). It lies contiguous to the frontiers, I, vij, of the *historical Abridgement*. — It is surnamed *the Straits* 261. — The French have called it *la Porte*, (the Gate), 261. — Its situation, configuration, 261, 262. — Well watered, 261. — Its soil is good, its Savannas fine, 262. — Its temperature, 262. — Elevation of its soil, 263. — Very healthful, 263, 281. — Its hollow (the Gate) is a military point, II, 202.

Saint Rose (Parish of). Its situation, I, 110, 156.

Saint Thomas. — See *Saint Thomé*.

Saint Thomé (Fort of). I, 234, 278.

(Plain of). I, 40, 41. — Its situation, 234, 278. — Its pastures are spoiled, 282.

Saint Thomé (Town of). This settlement long ago disappeared, I, 276.

Saint Yago (Plain of). I, 255.

———— (Territory of). Where it begins, I, 238.—Its bounds, 242.—The air is wholesome in this territory, 242.—Its population, 242.—Its mines, 243.—It had formerly its outlet through Port-de-Plate, and now through Monte-Christ, 258.—It presents the true military situation of this part, 258, II, 201.

———— (Town of). Taken by the French in 1690, I, vi, of the *historical Abridgement*.—It is surnamed the Chevaliers (*Knights*), 239.—Its origin, 240.—Its arms, 240.—Pillaged by the French in 1659 and in 1667, 240.—Its situation, 241.—Its Houses, 242.—Has some Brick-yards in its environs, 242.—Its distance from different places, 242.—Has a Lazaretto, 242.—Has two parish Churches, 242.—Has an Alcade-Major, 243.

Saint Yague (Or Old Port). Anchorage on the North side of the Spanish part, 199.

————.—See *Saint Yago*.

Salt. We find some layers of marine salt far from the sea, I, 13.—Salt is deliquescent at Saint Domingo, 22.—Fossil salt at Neybe, 87, 291.

Salvaléon of Higüey.—See *Higüey*.

Samana. The French settled there, I, ij, iij, v, of the *historical Abridgement*, 186, & following.—Path from Samana to Seybo, 167.—Road from Samana to Santo Domingo, 167.—Description of the Bay, 173, & following.—Mr. de Pouançay causes it to be deserted, 187.—The French are massacred there, 187.—It is only calculated for a union of strength and protection, 191.—It is a point of cruising, II, 190, 205.

———— (Bay of). Its situation, I, 173.—Called by Columbus *Bay of Arrows* & why, 173.—A Cacique there visits

Columbus

Columbus, 173.—Its dimensions, 173.—Its advantages, 174, 185.—Difficulty of its entrance, 174.—Facility of fortifying it, 174.—Shipwrecks occasioned by its difficulties, 175.—Means of entrance, 175.—Has many anchoring places, 177, 178.—Has sixteen rivers on the North shore, 180.—Oyster's abode on its extremity, 180, 192.—Yuna discharge itself into it, 181.—Its South shore, 182, & *following*.—Settlement of Savana-la-Mer situate there, 183.—Rivers on the South side, 183.—Its population, 183.—Difficulties on the South side, 184.—Difficult navigation there, 184.—Difficulty of leaving it, 184.—Convenient place for an arsenal, docks, and a Canon foundery, 185.—Yuna may be useful for the carriage of timber from its environs, 185.—It has some mines in its neighbourhood, 185.—It is calculated for being a capital sea-port, 186.—The French always considered the importance of it, 186.—D'Ogeron knew the value of it, 186.—Mr. d'Estaing desired much to obtain its cession to France, 191.—It has wood, fish, game, 191.—It was inhabited by the Indians, 193.—Its being possessed by the French would be of advantage to the Spaniards, *II*, 190.—It is not because it belongs to the Spaniards that the navigation suffers from its situation, 206.

Samana (Peninsula of). Improperly considered as an island, *I*, 181, 197.—Not very fit for culture, 190.—Its soil, 191.—Its Rivers, 191.—It has had an hermit 193.

———— (Town of). Its situation, 178.—Its origin, 178.—Formed by the inhabitants of the Canaries, 178.—Its Church, 179.—Its mediocrity, 179.—Its administration 179.—It could have been better situated, 180.

San. Abbreviation of Santo. *Thus what cannot be found by SAN must be sought for by SANTO; and reciprocally.*

Santa Domingo. Spanish name of the island of Saint Domingo, *I*, 2.—Origin of this name, 2.—Difficulty of attacking it with success, *II*, 199.

Spanish capital of Saint Domingo, *I*, 2.—Its distance from Port-au-Prince, 87.—Territory thereon depending, 103.—Its situation and boundaries of its territory, 103.—Road of communication with Bani, 104.—The parish of *Water-mills*, is one of its Chapels of Ease, 107.—Its port, 113.—Where the city was originally founded, 114.—Founded by Bartholemew Columbus, 114.—What is said of the origin of its name, 114.—A Hurricane destroys it and Ants incommode the inhabitants, 115, 116.—They transfer it to the West bank of Ozama, 115.—It wants water, 115.—They use Cisterns, 115.—Its fortifications, 116.—Its form, its extent, 116.—Its suburbs, 117.—Its streets, houses, 117, 143.—Its climate, 118.—Its ancient celebrity, 118.—It is the residence of the governor of the Colony, of the Royal Court, 119.—It is the seat of an Archbishoprick, 121.—It was the seat of a Bishop, 122.—It has a seminary, 124.—Public monuments, Cathedral, 125, 135.—It contains the ashes of Christopher and Bartholemew Columbus, 125.—Is plundered by Drake, 126, 142.—A remarkable Cross to be seen there, 135.—It has three parishes and several churches, 136.—Three convents of men, 136.—Two convents of women, 136.—Three hospitals, one college, 137.—It is the place of residence of the principal agents of administration 137.—Its garrison, 137.—Staff-Major, 137.—Its population, 137.—Its Parochial territory, 138.—Causes of its decline, 139, & *following*.—Had a mint, 139.—Was attacked in 1551, 142.—Earthquakes of 1684 and 1691 did vast damage, 142.—Has a society of agriculture, 145.—Has no theatrical entertainments, 145.

Has a commissary of inquisition, 146.—Its carriages 147.—Manners of its inhabitants, 147.—Regulation of the Post-office is settled in it, 148.—What distance this town is from Cape Français and Port-au-Prince, 149.—Its latitude and longitude, 149.—Has given birth to many estimate men, 149.—Built on a vast plain, 150.—Nature of its environs and settlements thereon found, 150.

Santo Domingo (Plain of). *I*, 103.—Its nature, 150.—Its settlements, 150.—Its rivers, 150.

Saone (Island). Its situation, *I*, 311.—Its extent, 311, 401.—Called Adamanoy by the Indians, 311.—Had a Cacique which the Spaniards, caused to be devoured by a dog, 312.

Savana.—See *Pastures*.

Savana la Mar or *la Mer*. Settlement of the Bay of Samana, *I*, 183.—Settled by the Canarians, 183.—When commenced, 183.—Its name, 183.—Its population, 183.—Is in the plain of Saint Raphaël or of Round Mountain, 183.—This only point of the Bay of Samana fit for culture, 191.

Sea. Has overflowed the Antilles, *I*, 7.—Its shores are more unhealthful than the interior part of the island, 23.—Its state in a hurricane, 28.

Seals of the State. Marks of respect due to them, *II*, 34.—They are kept in the palace of the Royal Court, 34.—They are applied in paper and on coloured wax, 34.—They must be put to every act of the Royal Court, 34.—They depend on the Grand Chancellor of Spain 35.—A lieutenant of the Grand Chancelloa is keeper of them, 35.—Fees for the Seals, 35.—Rank of lieutenant, of the Seal, 35.

Searcher.—See *Inspector General*.

Seasons. How distinguished at Saint-Domingo, *I*, 17, 18.—More sensibly distinguished in the mountains, 18.—That called *the season of Norths*, 20.

- Selle* (Saddle). One of the highest mountains in the island, *I*, 115.
 —Its temperature, 18.
- Seminary*. There is one at Santo-Domingo, *I*, 124.
- Sep*. What it is, *I*, 120.
- Settlements*. Nature of those of the colonies, *II*, 211, 217 and following.
- Seven brothers* (Little islands). Their situation, *I*, 208.
- Sévíco*. —See *Chain of Servico*.
- Seville*. The bishops of Saint-Domingo were subject to the archbishoprick of this town, *I*, 124. — The body of Christopher Columbus has been transported thither, 126. — Things for which they should model from its Cathedral, *II*, 41. — It had exclusively the whole commerce of the colonies, 88. — Why this town has lost the commerce of the colonies, 88, 125.
- Seybo*. Not that founded by Esquivel, *I*, 164. — Its origin, 164.
 — (Territory of). Its population, 165. — Its pasture-lands are daily diminished by hurtful plants, 165.
- Shells*. They find some in the mountains of Saint-Domingo, *I*, 101.
 — Effect of their dissolution, 13.
- Sheriff* (High). — See *Alguasil major of the Royal-Court*.
- Sieste*. Sleep after dinner, favorite repose of the Spaniards, 51.
- Slaughter-Houses*. Those of the French supplied with Spanish oxen *I*, 74. — Particulars concerning the farm of the French slaughter-houses from its establishment to its suppression, *II*, 105, and following to 137. — To whom they are indebted for the suppression of this farm, 134. — What relates to them in a schedule of the King of Spain, 158.
- Slaves*. A religious principle and an illicit affection tend to their emancipation, *I*, 55, 56. — A slave can redeem himself from the master, 56. — Their freeing is gratuitous, 56. — Treated with an extreme mildness, 58. — A recent law seems not to permit them any longer to redeem themselves, 58. — The laws against them are much neglected, 58. — The laws in their favor are very exactly observed, 59. — See *Children; Negroes*.

Soil. Extremely various at Saint-Domingo, *I*, 12. — That which forms the borders on the sea at Saint-Domingo is covered with water, 13.

Solano (Don Joseph). President of the Spanish part, concludes the provisional treaty of the boundaries in 1776, *I*, xxvij, xxx of *Historical Abridgment*. — Draws the plan of the bay of Ocoa, 102. — In what manner he endeavours to make a discovery of the remains of Christopher Columbus, 127. — Eulogium of his administration, 145. — Forms the chapel of ease of Angelina, 224. — He is the only president taken from the naval department, *II*, 12. — He has been captain-general of Carraca, 126. — How he conducts the management of affairs concerning the cattle supplied by the Spanish part, 126 and following.

Solstice. The wind is more powerful at this time, *I*, 16.

Spain. Is averse from the cession of any territorial possession, *II*, 188. — Cannot make a conquest of French Saint-Domingo, 204. — Dangers which threaten her in America if she separates her interest from that of France, 205. — It is her advantage to restitute Louisiana to France, 237. — Has perceived that she has too much neglected her colonial possessions, 238.

Spaniards. Drive the French from Saint-Christopher, *I*, 1 of *historical Abridgment*. — They are driven from Tortue, 1. — They massacre almost all the French Colony, 1j. — They exterminate the natives of Saint-Domingo, 2. — Manifest the most atrocious avarice, 2. — Attacked by the Adventurers in 1630, 2. — Compelled to divide the island with the French, 3. — Cause Indians to be buried in the mines of Cibao, 5. — Their indolence, 32, 307. — They did not settle in the west of Neybe till towards 1730, 87. — They cause the Cacique of the isle of Saone to be devoured by a dog, 312. — See *Creoles Spanish* (Men). ; *Creoles Spanish* (Women).

Spanish Men of war. — See *Vessels*.

Staff-Major. *I*, 137. — The revenue he received from letting the

- slaughter-houses, II, 105.
- Stallions.* Remark concerning them, II, 144. — Their care to avoid each other, 146.
- Storm.* I, 26.—See *Hurricane*.
- Style.* Rules prescribed in this respect, II, 65.
- Strangers.* Politeness they mark at Saint-Domingo in visiting strangers, I, 148.—Care taken to render the entrance of foreigners extremely difficult in Spanish Colonies, 87.
- Subsistence.* The cession of the Spanish part to France should render that taken from the hattes more certain, II, 191, 206.
- Substitute of the Fiscal.* II, 32.
- Succession-vacant.* — See *Property of deceased persons*.
- Succours.* Which the French and Spanish mutually promise themselves at Saint-Domingo, I, i of the *historical abridgment*.
- Sugar.* Badly manufactured in the Spanish colony, I, 49. — That formerly made at Azua was excellent, 98. — That of Saint-John of Maguana was much esteemed, 280. — The first made at Saint-Domingo, 304.
- Sugar-Estates.* Those which may be counted in the Spanish part, I, 61, 255. — How many could be in the plains of Bahoruco, 82. — How many could be settled in the plain of Neybe, 85, — Old sugar-plantation of Occa, 92. — How many could be in the plain of Azua, 97. — Where the first at Saint-Domingo were established, 106. — Those which might be in the parish of Water-Mills, 107. — Those which are in the plain of Santo-Domingo and which may be added thereto, 150, 151. — The most considerable in the Spanish part, 151. — How many might be in the plain from Santo-Domingo to Point de l'Épée and from that point to Round-Mountain, 171.—Those of Véga, 233.—Those which might be in the plain of Véga, 255. — The canton of Saint-John of Maguana had formerly some, 280. — In what cases they are not seizable, II, 77. — When they have had some in the French part, 101. —

French have began to have some in the Northern part, 103. — Particulars relative to the establishment, value and produce of a sugar estate, and the employment of the negroes necessary for such a settlement, 224 and following.

Superstition. Conspicuous in the Spanish colony, I, 47.

Supplication. Application to the Council of the Indies against certain decisions, II, 72 and following.

Supply. That annually required for the number of Negroes of the French part, II, 195, 213 and following. — That the Spanish part wholly cultivated would require, 214.

Surgeon. II, 86. — Must have taken degrees and be examined, 87.

T.

Tafia. I, 50.

Tan. The mangrove-tree furnishes excellent one, I, 214. — Custom prejudicial to tan, 214.

Tavern. Licence for tavern keeping, II, 106, 108. — The licence for taverns was an income for the staff, 106.

Tavira. (Hermitage of). I, 164.

Taxer of costs. II, 55.

Tea. Opinion that real tea is found at Saint-Domingo, I, 304.

Temperature. Very various and why, I, 14. — Milder in the mountains, 18. — That of the canton of Saint-John of Maguana, 280. — That of the district of Banique, 281. — That of the valley of Constance, 281.

Tempests. They all generally proceed from the interior part, I, 16. — Their violence, 21.

Thermometer. I, 18.

Things. Those the use of which is deemed common, II, 84.

Thunder. Its violence, I, 21. — It is generally blended with Hurricanes, 28.

Tide. Its height, *I*, 12.

Titles. Those of the chief of the Spanish colony, *II*, 11.

Tobacco. Much used by the Spaniards, *I*, 50.—Is a native of the island, 63.—Quality of that of the island, 63.—The king of Spain purchases some of it, 221.—They cultivate some at Cotuy which is esteemed, 221.—They transport that of Cotuy by Yuna, 222.—What its warm admirers say of it, 253.—What the king of Spain should do to encourage the cultivation of it at Saint Domingo, 253.—It was the first culture of the French at Saint Domingo, *II*, 100.

Tortoises (Land or Sea). Common, *I*, 49.—Their utility, 307.

Tortue (La). (The Tortoise). A small island near that of Saint Domingo. It is the first spot on which the French settled, *I*, i, ij, of the *historical Abridgement*.

Tourniquet. (Trapishes). See *Mill-Sugar*.

Town. In what it differs from Borough and City, *II*, 68.—It may have agents, 70.

Town-house.—See *City-house*.

Trade of Negroes. *II*, 214.

Treasury Public. *II*, 78.

Treaty. Concerning animals to be supplied the French, made in 1762. *II*, 118.—In 1764, 120.—In 1766, 122.—In 1770, 124.—In 1776, 131.

———. For the restitution of Criminals, *II*, 169.

———. For the restitution of Deserters. One in 1743, *II*, 167.—One in 1762, 168.—One in 1764, 168.—One in 1766, 168.—One in 1770, 168.—One in 1777, 168.

———. For the restitution of fugitive negroes. One in 1697, *II*, 170.—One in 1762, 175.—One in 1766, 176.—One in 1777, 176.

Treaty.

- Treaty.* Provisionally on the limits or boundaries in 1770, *I*, xxi, of the *historical Abridgement*.—In 1772, xxii, of the *historical Abridgement*.—In 1773, xxiv, of the *historical Abridgement*.—In 1776, xxiv, of the *historical Abridgement*.—Definitive on the boundaries in 1777, xxv, and following of the *historical Abridgement*.
- Tribute.* Impost on cattle, *I*, 71, 74.—How paid, 71.—Disposition of Spain as to this tax, *II*, 158.
- Trinity* (Spanish island of). Is a proof of the difficulty of new settlements, *II*, 215.
- Troops.* Those of the Spanish part, *I*, 137.—Those originally sent to Saint Domingo, 137.—Their sicknesses, *II*, 203.
- Turk-islands.* Their situation, *I*, 313. — Their true name, 313.
- Turtle.*—See *Tortoises*.
- Tythes.* *I*, 122, 123.—The new cleared lands are exempted from them, 124.—They belong to the king, *II*, 42.—From what they are collected, 42, 43.—There are no personal tythes, 43.—Country tythes, 43.—Produce of what is collected from horned cattle, 163.

U.

- United States of America.* They send horses to Saint Domingo, *II*, 139.—Georgia has sent mules to Saint Domingo, 145.—They furnish oxen, 152.—Actual conduct of England relatively to them, 235, and following.—Ideas on their commerce, extent, and power, 235 & following.
- University.* One at Santo Domingo, *I*, 60, 136.—*II*, 84.

V.

Vacancy of Benefices, II, 44.

Valley of Constance. Its situation, I, 236.—Extremely well adapted to cattle, 236.—Its temperature, 237, 281.—It may still serve to open a communication between North, South and West of the Spanish colony, 237.

Vallière (Parish of). Circumstances relative to the bounds of its territory, I, xix, of the *historical Abridgement*.

Valverde (Don Antoine Sanchez). Has published a work on Spanish Saint Domingo, I, 35.—He has the intention of writing the history of Saint Domingo, 35.—His eulogium, 35 149.—His plantation, 106.—What he says on the watering of the Plain of Artibonite, 272.—His reproaches to M. de Paw, 307.—What he thinks of the resources of the Spanish part, II, 155.—His opinion on the importance of Mines,

Vani.—See *Bani*.

Vega (Territory of). Its situation, bounds, I, 228.—Its celebrated crops, 230.—Indifferent culture, 233.—Has some sugar plantations, 233.—Its population, 133.—They there make the first sugar manufactured at Saint Domingo, 303.—Precautions to be taken in case of an attack, II, 201.

— (Town of). The ancient town was founded by the Spaniards where the capital of the Kingdom of Magua stood, I, 33, 228.—It has been the seat of a Bishop, 121, 229.—Considerable quantity of gold was minted there, 229.—Its arms 229.—Its Bishoprick united to that of Santo Domingo, 230.—It is in its Church that the first high mass is sung at Saint Domingo, Las Casas

officiating, 230.—It is nearly destroyed by an earthquake, 231.—Situation of the actual town, 231, 232.—Why called *Bègue* by the French, 231.—Its streets, houses, 231.—Distance from different places, 232.

Véga-Réal. The finest plain in the island, I, 226, 251.—Errors which it occasions Charlevoix to commit, 227.—What Columbus understood by this name, 228.—Columbus causes a fort to be constructed there, 228.—Three great rivers flow through it as it stands in length. 256.—Advantages which it might procure, 252.—Almost without utility now, 252.—They rear cattle 253.—They cultivate tobacco there, 253.—Different ways of dividing it, 255.

Velasquez. Who conquered the island of Cuba, was the founder of the borough of Banique, I, 273.—Founded Saint John of Maguana, 277.

Velloso. Name of a surgeon of Santo Domingo, first cultivator to which the success of sugar-cane was due; constructor of the first sugar mill, I, 303.

Venables. His enterprise against the Spanish colony, I, 108, 111.—He takes Jamaica, 108.

Verrettes (French borough of). Its distance from Hinche, I, 268.

Vessels of Register. They serve for the trade of the colonies, II, 125.—Whence comes this name, 125.

— (Spanish) *of War*. They anchor in the Bay of Ocoa, I, 92, 98.

Vice-Roy. First rank in America, II, 11.

Vice-Royalty. The Spaniards have four of them in America, II, 11.

Volcanoes. Volcanic marks, I, 10.

Voyages. Their difficulty in the Spanish colony, I, 60.—See *Road*.

W.

Waters. Those of the sea have covered the Antilles, I, 7.—
Their ravages at the time of inundations, 21, 28.—
Considered as drink 25.—Are sometimes deemed a
common and public property, II, 84.

Waters-Mineral. In the canton of Azua, I, 94.—Those of Ba-
nique, 283, & following.

Wax. Common in the Spanish part, II, 239.

Whites. They form the most numerous class, I, 55.—See *Mor-
tality ; Population.*

Wind. Causes a great variety in the climate and temperature,
I, 14.—Its salutary effects, 15.—That of the East,
15.—That which blows from the mountains, 15.—
Stronger at the equinoctial and solstitial epochs, 16.—
Its ravages during hurricanes, 26.—See *Breeze ;
Hurricanes ; Norths.*

— (Trade) I, 14.

Wives. Connection prohibited between those of the auditors
and other officers of justice, with other women, II,
29.—When President's and Auditor's wives cannot
enter the inside of the Convents of women, 44.—
Those of the President, Auditors, and Fiscal have a
place purposely for them at Church, 64.—Cafes where
their Husbands must be sent to them, 89.—See *Creoles
Spanish, (Women).*

Woods. Those of the mountains of Azua, I, 94.—Those which
are between Nisao and Nigua, 108.—The banks of
Yana and Camou have some of the most valuable
kinds, 185.—Those of the North coast, 215.—The
nature of those of the island of Saint Domingo, 301.—
Utility of those of Louisiana to the French colonies, II, 235.

- Worm.* Which destroys many animals, I, 76.
- Writers.* They are of different denominations, II, 74, 75.—
Their functions, 74, 75.—Notary Clerks, 75.—Their
duties, 75.
-

X.

- Xaragua.* One of the five kingdoms of Saint Domingo, I,
33. 34.—Its situation, 34.
-

Y.

- Yaqui* (River of). Near the chain of Sevicó, I, 217.
- (River of Great). Its source I, 88, 256.—Contain
gold sand, 244.—Its width, 245.—Runs through a
part of the plain of Véga, 251.—Its course, 251
256, 257.—Can be rendered navigable, 252.
- (River of Little). Its source, I, 88.—It falls into the
Neybe, 89.—Could be rendered navigable, 280.
- Yuma.* See *River of Higüey*.
- Yuna* (River). Falls into the bottom of the bay of Samana,
I, 181, 222.—May serve to transport wood and other
objects into the bay of Samana, 185.—Is the deepest
in the colony, 222.—Has been made navigable, 222,
252.—Utility it could acquire, 233.—It is not ford-
able where crossed by the High-way from Saint Domina-
go to Daxabon, 223.—How they pass it, 223.—Its
width, 223.—Runs through a part of the plain of
Véga, 251.—Its source and course 256.—Its navigation

would be a great resource to Véga, 256.—Its very banks might defend it from an enemy, 200.

Z.

Zachée (Island). Its situation, I, 313.—Whence derived this name, 313.

End of the Table of Contents.


E R R A T A.

Vol. I.

- PAGE 49—Line—19—For *Cassavium*, read Cassavium-Bread.
- 67—20—After *battes*, add or *pontes*.
- 87—9—For *ninety-six*, read sixty-nine.
- 107—last—For *cotton*, read coffee.
- 139—7—After *Cuba*, add Jamaica.
- 273—24—For *Chevalier*, read Cavalier.
- 280—1st—For *millions*, read thousand.

Vol. II.

- 301—Before *Rust*, read :
Roots.—See *Food of the Spanish Creoles*.

 The Reader is humbly requested to correct the Typographical inaccuracies.

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